

Washington, Wednesday, January 20, 1960

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (5) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

(q) *Office of the Deputy Under Secretary for Administration.* * * *

(5) Three Special Liaison Assistants, Special Liaison Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-549; Filed, Jan. 19, 1960; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2), (3), and (4) of § 6.309(c) are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-548; Filed, Jan. 19, 1960; 8:48 a.m.]

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Salary Retention

Effective August 23, 1958, a new paragraph (c) is added to § 25.413, the present paragraph (c) is redesignated as paragraph (d), and paragraphs (a), (b) and (c) (1) of § 25.415 are amended as set out below.

§ 25.413 Retention period; reassignment.

(a) When an employee is reassigned to another position at his current grade level, such reassignment does not terminate his retained rate, except as provided in paragraph (d) of this section.

(b) An employee receiving a retained rate under Public Law 594, 84th Congress, holds such retained rate without time limitation in accordance with the provisions of that Act. However, in the event he is reassigned to a different position prior to August 23, 1960, he shall hold his retained rate for a period of not more than two years from the first day of the first pay period after August 23, 1958, except as provided in paragraph (d) of this section. If the reassignment occurs after August 23, 1960, his retained rate is terminated, and his pay shall be adjusted in accordance with § 25.414.

(c) Where an employee is reassigned and such action terminates his retained rate, the department shall furnish him a written notification of the effective date of the termination of the retained rate and of his right to appeal under § 25.415.

(d) Any reassignment to another position at the same grade level which is for personal cause, at the employee's own request, or due to a reduction in force based on lack of funds or curtailment of work, shall terminate his retained rate.

§ 25.415 Appeals.

(a) *General.* Any employee reduced in grade or compensation, or reassigned during his retention period, may appeal to the Civil Service Commission (1) from the administrative determination of his employing department that he is not entitled to the salary retention benefits of this subpart, or (2) from any determination which may adversely affect or terminate the salary retention benefits he is currently receiving. This appeal right shall in no way restrict appellate rights under other laws or regulations administered by the Commission.

(b) *Department notification.* Whenever a department reduces an employee in grade or compensation, or reassigns him during a retention period, such employee shall be advised in writing of the applicability or nonapplicability of this subpart. When it is administratively

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determined within a department that an employee is not entitled to the salary retention benefits of this subpart, the department shall advise the employee in writing of his right to appeal such administrative determination to the Commission as prescribed in this section.

(c) *Time limit.* (1) An appeal under this section may be submitted at any time after the employee's receipt of the administrative determination to deny or terminate the salary retention benefits of this subpart but not later than thirty (30) calendar days after demotion or reassignment has been effected; or where the demotion or reassignment has been effected prior to February 1, 1959, within thirty (30) calendar days following receipt of the notice by the employee of the administrative denial or termination of salary retention: *Provided*, That when there is a right of appeal to the department under established administrative procedures, the time limit on an appeal

under this section shall be not later than thirty (30) calendar days after the final decision by the department on the administrative appeal.

(Sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 1072, 1072(a))

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL, Executive Assistant.

[F.R. Doc. 60-550; Filed, Jan. 19, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

The above-identified regulations are amended in the following respect.

Section 401.3 is amended by adding the following new paragraphs (e), (f), and (g):

§ 401.3 Application for insurance.

(e) Applications for initial insurance shall be made on the following form:

Application Form FCI-812-Rev.

UNITED STATES DEPARTMENT OF AGRICULTURE FEDERAL CROP INSURANCE CORPORATION APPLICATION FOR FEDERAL CROP INSURANCE FOR 1961 AND SUCCEEDING CROP YEARS

(State and county code and contract No.)

(Name and address) (County) (State)

A. The undersigned applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest (for cotton and tobacco insurance, on his interest, sharecropper and share tenant interest, or both, as specified in paragraph E below) in the crops stated below that are insurable crops planted on insurable acreage as shown on the county actuarial tables of the Corporation for the above stated county. The applicant elects each amount of insurance per acre shown below which in each case shall be an electable amount as shown on the applicable county actuarial table on file in the Corporation's office for the above county, but shall not exceed the maximum amount of insurance per acre that is applicable as shown on such table.

(Dollars per acre) (Crops) (Dollars per acre) (Crops)

B. Upon acceptance of this application by the Corporation the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the provisions of the contract. This

application, the applicable insurance policy, endorsements, and the county actuarial tables for each crop year on file in the Corporation's office for the above county shall constitute the contract. The Corporation shall exclude insurance from the contract for the first crop year on any crop on which it has discontinued accepting applications for such crop year at the time this application is accepted.

C. The insurable crops, premium rates, guaranteed production, and amounts of insurance shall be those shown on the county actuarial tables for the applicable crop year on file in the county office of the Corporation. For each crop year of the contract, acreage is insurable only if it is in an area which is shown as approved for that crop year on crop insurance maps or other land identification lists included in the county actuarial tables, and for which a premium rate is shown on such tables for that crop year. Any changes in the contract shall be on file in the county office at least 15 days prior to the applicable cancellation date.

D. This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership. When signed by two or more persons, this application shall cover only that acreage in which all of the applicants have an interest and such acreage shall not be covered by any other insurance contract any of such applicants may have with the Corporation: Provided, however, That application for cotton or tobacco insurance may not be made by an owner-operator or tenant-operator and a sharecropper or share tenant jointly: And provided further, That application for insurance on cotton or tobacco (other than combined crop insurance by an owner-operator or tenant-operator to cover the interest which a sharecropper or share tenant has in a cotton or tobacco crop shall only be made by such farm operator additionally signing Application Form FCI-812 Supplement which form when signed and attached hereto shall be a part of this application.

E. Applicable only to cotton and tobacco:

By checking this box the applicant applies for insurance on his interest in crop(s).

By checking this box and by signing Application Form FCI-812, Supplement, the applicant applies for insurance on the interests of his sharecroppers and share tenants in crop(s).

F. PREMIUM NOTE—The applicant(s) promises to pay to the Corporation each crop year during which the contract is in effect the amount of the premiums due under the contract for all insured crops and agrees that any amount of the premium for any insured crop which is unpaid on the day following the applicable discount date shown in the contract shall be increased by ten percent and that thereafter, at the end of each 12-months' period, six percent simple interest shall attach to any premium balance which is unpaid.

(Signature of applicant)

19__

(Witness to signature)

The undersigned co-signer, signs as a maker for the payment of the premium note as it applies to the first crop year of the contract and is in no other way a party to the contract.

(Address of co-signer (print))

(Signature of co-signer)

19__

(Date)

G. Recommended for acceptance by

(Corporation representative)

H. Accepted for the Corporation by

(State director)

(Date)

(County office address) (Location of farm(s) or headquarters)

(f) Applicants for initial insurance involving the insurance by an owner-operator or tenant-operator to cover the interest of a sharecropper or share tenant, as defined in the contract, shall, in addition to completing the form provided under paragraph (e), of this section also execute and submit the following supplemental form:

Application Form FCI-812-Supplement

UNITED STATES DEPARTMENT OF AGRICULTURE FEDERAL CROP INSURANCE CORPORATION

(State and county code and contract No.)

APPLICATION SUPPLEMENT FOR CROP INSURANCE FOR 19__ AND SUCCEEDING CROP YEARS (SHARECROPPER AND SHARE TENANT INTEREST IN COTTON AND TOBACCO CROPS)

(Name)

1. The undersigned applicant hereby applies to the Federal Crop Insurance Corporation subject to the provisions of paragraphs A, B, C, D, E, and F of Application Form FCI-812, Revised, for insurance on his sharecroppers and share tenants interests in

(Crop(s))

has an interest.

2. The interests covered under this supplemental application shall be the interests which the sharecroppers or share tenants have at the time of planting and any interests allocated to such persons after planting pursuant to an understanding existing at the time of planting.

3. As to such sharecropper's or share tenant's interests, notwithstanding any provision of the contract to the contrary, (1) the applicant shall be considered the insured and the interests insured shall be considered his interests, (2) premiums and losses shall be computed in the same manner and under the same terms and conditions as if the sharecroppers or share tenants had signed (and the Corporation accepted) individual applications for insurance, (3) the applicant shall designate on his acreage report the names of his sharecroppers or share tenants and the acreages allocated to them, (4) transfers of interest in insured acreage made before the beginning of harvest and the time of loss will be recognized when indemnities are computed, (5) any indemnity shall be for the benefit of the sharecropper or share tenant (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said sharecropper or share tenant (or transferee), (6) collateral assignments shall not be honored, and (7) the Corporation shall not deduct from any indemnity any amount except the current premium on the sharecropper's or share tenant's interest and any amount owed the Corporation by the sharecropper or share tenant (or transferee).

4. For each crop year of the contract the contract shall not cover the interest of any sharecropper or share tenant who is insured with the Corporation under an individual contract, and this contract shall not include an application by a farm operator to cover any interest of his sharecroppers or share

RULES AND REGULATIONS

tenants in a cotton crop under combined crop insurance.

(Signature of applicant)

-----, 19__

(Date)

5. Recommended for acceptance by

(Corporation representative)

6. Accepted for the Corporation by

(State director)

-----, 19__

(g) A person who is insured under an existing contract may use the following form to change his contract in any manner permissible under the terms of the contract:

Form FCI-812A

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

CHANGES IN INSURANCE ON CONTRACT NO. --

(State and county code and contract No.)

(Please Print or Type)

(Name)

(Address)

(County)

(State)

A. I hereby elect to change my above-identified insurance contract beginning with the 19__ crop year as indicated below:

Add insurance on -----

Cancel insurance on -----

REMARKS: -----

(Signature of insured)

-----, 19__

(Date)

Prepared by -----
Accepted by the Federal Crop Insurance Corporation by -----

-----, 19__

B. For use by the Corporation:

Insurance terminated for indebtedness for

----- on -----

(Crop year) (Crops(s))

C. For record purposes only:

Effective beginning with the 19__ crop year insurance under the above-identified contract is in effect on the following crops:

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 12, 1960.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 14, 1960.

MARVIN L. McLAIN,
Assistant Secretary.

[F.R. Doc. 60-540; Filed, Jan. 19, 1960; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Announcement and Apportionment of the National Marketing Quota for Burley Tobacco for 1960-61 Marketing Year

§ 725.1103 Basis and purpose.

(a) Sections 725.1103 to 725.1104 are issued (1) to establish the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1959; (2) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1960; and (3) to apportion the national marketing quota for burley tobacco for the 1960-61 marketing year among the several States. The findings and determinations contained in § 725.1104 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (24 F.R. 8237) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since burley tobacco producers will soon be making their plans for production of burley tobacco in 1960, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for burley tobacco for the 1960-61 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.1104 Findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1960.¹

(a) *Reserve supply level.* The reserve supply level for burley tobacco is 1,607.1 million pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535.0 million pounds and a normal year's export of 36.0 million pounds.

(b) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1959, is 1,735.6 million pounds, consisting of carry-over of 1,235.5 million pounds and estimated 1959 production of 500.1 million pounds.

(c) *Carry-over.* The estimated carry-over of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1960 is 1,194.7 million pounds calculated by subtracting the estimated disappearance for the

¹ Rounded to the nearest tenth of a million pounds.

marketing year beginning October 1, 1959 of 540.9 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1960 a supply of burley tobacco equal to the reserve supply level of such tobacco is 412.4 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 412.4 million pounds would result in undue restriction of marketings during the 1960-61 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1960 is 494.9 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment
Alabama	30.39
Arkansas	52.88
Georgia	87.48
Illinois	5.94
Indiana	7,753.75
Kansas	91.81
Kentucky	200,811.41
Missouri	3,197.02
North Carolina	10,187.10
Ohio	9,982.91
Pennsylvania	2.00
South Carolina	4.12
Tennessee	63,402.21
Texas	0.40
Virginia	11,031.42
West Virginia	2,858.34
Reserve ¹	775.55

¹ Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 46 as amended; 47 as amended; 7 U.S.C. 1301, 1312, 1313)

Issued at Washington, D.C., this 15th day of January 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-564; Filed, Jan. 19, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 179, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 914.479 (Navel Orange Regulation 179, 25 F.R. 163) are hereby amended to read as follows:

- (i) District 1: 750,000 cartons;
- (ii) District 2: 350,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 15, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-537; Filed, Jan. 19, 1960; 8:47 a.m.]

[Lime Order 7, Amdt. 3]

PART 1001—LIMES GROWN IN FLORIDA

Quality and Size Regulation

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give pre-

liminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

(b) *It is, therefore, ordered.* That the provisions of paragraph (b)(1)(ii) of § 1001.307 (Lime Order 7, as amended; 24 F.R. 3050; 3573; 4828) are hereby further amended as follows:

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color;

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., February 1, 1960.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 15, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-562; Filed, Jan. 19, 1960; 8:49 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. 3, Amdt. 3]

PART 1069—LIMES

Importation

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), the provisions of paragraph (a) of § 1069.3 (Lime Regulation No. 3; 24 F.R. 3051, 3574, 4829) are hereby further amended to read as follows:

(a) On and after the effective time of this regulation, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U.S. Combination, Mixed Color grade;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1 3/4 inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes

in any container may fail to meet this requirement;

(4) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1 7/8 inches in diameter have an average juice content of at least 48 percent, by volume: *Provided*, That such juice requirement shall not apply to containers of such limes containing not in excess of 10 percent of limes smaller than 1 7/8 inches in diameter; and

(5) Each such importation is made in conformance with the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this regulation: *Provided*, That the provisions of § 1060.4(e) of this chapter shall not apply.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that (i) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), which makes such regulation necessary; (ii) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions being made applicable to the shipment of limes grown in Florida under Amendment 3 to Lime Order 7 (§ 1001.307; 24 F.R. 3050, 3573), issued simultaneously herewith to become effective February 1, 1960; (iii) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (iv) this amended import regulation relaxes restrictions on the importation of limes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 15, 1960, to become effective at 12:01 a.m., e.s.t., February 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-563; Filed, Jan. 19, 1960; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER C—OPERATING LOANS

[FHA Instruction 441.1]

PART 341—POLICIES AND AUTHORITIES

Conditions in Loan Making

Subparagraph (6) in § 341.4(a), Title 6, Code of Federal Regulations (24 F.R. 8401) is revised to prescribe the conditions under which a loan may be made to an applicant who has not been en-

gaged in farming for a period of five years preceding the time of his application, and to read as follows:

§ 341.4 Eligibility.

(a) *Applicant.* * * *

(6) At the time he applies for a loan, is the owner-operator of a farm, a farm tenant, a farm laborer, a sharecropper, or other individual who obtains the major portion of his income from farming. However, loans may be made under this requirement in justifiable circumstances to individuals whose normal means of livelihood in the past has been farming but who may not have depended primarily on farming for their livelihood during the past few years but not beyond five years. In addition, upon prior approval of the State Director, loans may be made to individuals who have not depended primarily on farming for their livelihood for a period in excess of five years provided he determines that the applicant has had sufficient agricultural training and experience to be successful in the proposed farming operations.

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric., 19 F.R. 74, 22 F.R. 8188)

Dated: January 13, 1960.

K. H. HANSEN,
Administrator,

Farmers Home Administration.

[F.R. Doc. 60-539; Filed, Jan. 19, 1960;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-54; Amdt. 172]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On July 29, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6057) stating that the Federal Aviation Agency was considering an amendment to § 600.6229 of the regulations of the Administrator which would modify VOR Federal airway No. 229 between Wilmington, N.C., and New Bern, N.C. At the request of the U.S. Marine Corps to provide additional data on this matter, a supplemental notice of proposed rule-making was published in the FEDERAL REGISTER on October 24, 1959 (24 F.R. 8655), extending the time for comments to November 19, 1959.

As stated in the notice, Victor 229 is presently designated, in part, direct between the Wilmington VOR and the New Bern VOR. The U.S. Marine Corps at Camp Lejeune is presently conducting training, under "controlled firing" within this airway. This training includes the firing of small arms, rockets, mortars, and artillery. Firing ceases

whenever aircraft are observed in the vicinity of the firing area. In view of the volume of traffic along the airway, interruptions to firing are sufficiently frequent to seriously disrupt the training of the Marine Corps. It was, therefore, proposed to realign the Wilmington-New Bern segment of Victor 229 via the Wilmington VOR 014° and the New Bern 239° radials, adding about five miles to this segment. However, the Air Transport Association of America objected to this realignment stating that National and Piedmont Airlines operate a total of six daily scheduled flights between Wilmington and New Bern and that a severe mileage penalty in excess of 10,000 miles annually would be imposed on these airlines if Victor 229 is realigned as proposed in the notice. Under date of November 16, 1959, the Marine Corps furnished the Federal Aviation Agency a map of Camp Lejeune showing existing ranges and impact areas, as well as those proposed to be installed if Victor 229 is realigned. It has been determined that by realigning Victor 229 via the Wilmington VOR 036° and the New Bern VOR 231° radials, this airway would overlie only one firing range used for small arms firing of flat trajectory. Also, this would add only one nautical mile in airway distance between Wilmington and New Bern. Therefore, the Federal Aviation Agency is modifying the segment of Victor 229 between Wilmington and New Bern via the Wilmington VOR 036° and the New Bern VOR 231° radials. As is presently the case, the portion of the modified airway within the Cherry Point, N.C., Restricted Area (R-125) would extend upward only to 5,500 feet MSL from sunset to sunrise daily. The control areas associated with Victor 229 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 60Q.6229 (14 CFR, 1958 Supp., 600.6229) is amended as follows:

In the text of § 600.6229 *VOR Federal airway No. 229 (Wilmington, N.C., to Cofield, N.C.)*, delete "via the New Bern, N.C., omnirange station;" and substitute therefor "via the INT of the Wilmington VOR 036° and the New Bern VOR 231° radials; New Bern, N.C., VOR;"

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 13, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-521; Filed, Jan. 19, 1960;
8:45 a.m.]

[Airspace Docket No. 59-NY-37]

[Amdt. 148]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 183]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Designated Reporting Point

The purposes of these amendments to §§ 600.6012, 600.6047, 600.6055, 600.6210, 600.6246, 600.6275, 600.6277, 600.6435, 601.6246, 601.6277, 601.6435 and 601.7001 of the regulations of the Administrator is to change the name of the Sidney, Ohio, VOR to the Rosewood, Ohio, VOR. This action is being taken in order to eliminate misunderstanding when aircraft report over a similarly named facility.

Since this action imposes no additional burden on the public, compliance with the Notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6012, 600.6047, 600.6055, 600.6210, 600.6275 (14 CFR, 1958 Supp., 600.6012, 23 F.R. 10337, 24 F.R. 702, 1281, 2645; 600.6047; 600.6055, 23 F.R. 10338, 24 F.R. 2645; 600.6210, 24 F.R. 1284, 2229; 600.6275) 600.6246 (23 F.R. 10339); 600.6277 (23 F.R. 10340) 600.6435 (23 F.R. 10340) 601.6246 (23 F.R. 10342); 601.6277 (23 F.R. 10342); 601.6435 (23 F.R. 10342) and 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. In the text of § 600.6012 *VOR Federal airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)*, delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio,"

2. In the text of § 600.6047 *VOR Federal airway No. 47 (Bowling Green, Ky., to Detroit, Mich.)*, delete "Sidney" and substitute therefor "Rosewood" wherever it appears.

3. In the text of § 600.6055 *VOR Federal airway No. 55 (Dayton, Ohio, to Green Bay, Wis.)*, delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio,"

4. In the text of § 600.6210 *VOR Federal airway No. 210 (Los Angeles, Calif., to Imperial, Pa.)*, delete "Sidney, Ohio, omnirange station;" and substitute therefor "Rosewood, Ohio, VOR;"

5. Section 600.6246 *VOR Federal airway No. 246 (Sidney, Ohio, to Mansfield, Ohio)*:

(a) In the caption delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio,"

(b) In the text delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio,"

6. In the text of § 600.6275 VOR Federal airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.), delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

7. Section 600.6277 VOR Federal airway No. 277 (Sidney, Ohio, to Keeler, Mich.):

(a) In the caption delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

(b) In the text delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

8. Section 600.6435 VOR Federal airway No. 435 (Sidney, Ohio, to Attica, Ohio):

(a) In the caption delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

(b) In the text delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

9. In the caption of § 601.6246 VOR Federal airway No. 246 control areas (Sidney, Ohio, to Mansfield, Ohio), delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

10. In the caption of § 601.6277 VOR Federal airway No. 277 control areas (Sidney, Ohio, to Keeler, Mich.), delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

11. In the caption of § 601.6435 VOR Federal airway No. 435 control areas (Sidney, Ohio, to Attica, Ohio), delete "Sidney, Ohio," and substitute therefor "Rosewood, Ohio."

12. In the text of § 601.7001 Domestic VOR reporting points, delete: "Sidney, Ohio, omnirange station," and substitute therefor "Rosewood, Ohio, VOR."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., January 13, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-520; Filed, Jan 19, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7558 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Charles Breger

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: § 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: § 13.1185-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852-35 Fur Products Labeling Act; § 13.1880 Old, used, or reclaimed as un-

used or new: § 13.1880-40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Charles Breger, New York, N.Y., Docket 7558, Nov. 25, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to label and invoice fur products with information as required by the Act.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Charles Breger, an individual doing business under his own name or any other name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by: A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Setting forth on any invoice required information in abbreviated form.

C. Failing to disclose that fur products contain or are composed of "secondhand used furs" when such is the fact.

D. Failing to set forth on each invoice the item number or mark assigned to a fur product.

E. Falsely or deceptively invoicing or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which he has complied with the order to cease and desist.

Issued: November 25, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-530; Filed, Jan. 19, 1960; 8:46 a.m.]

[Docket 7458 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Madison's, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: 13.155-15 Comparative. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-30 Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 Comparative. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: 13.1845-30 Fur Products Labeling Act; § 13.1865 Manufacture or preparation: 13.1865-40 Fur Products Labeling Act; § 13.1886 Quality, grade or type; § 13.1900 Source or origin: 13.1900-40 Fur Products Labeling Act: 13.1900-40 (b) Place.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Madison's, Inc., et al., Columbus, Ohio, Docket 7458, Nov. 25, 1959]

In the Matter of Madison's, Inc., a Corporation, and Jean Madison, James Jacobs, David Madison, Walter Zeidner, and Walter Anstendig, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Columbus, Ohio, furriers with violating the Fur Products Labeling Act by setting forth on labels on fur products the name of an animal other than that producing the fur; by failing to comply in other respects with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or the country of origin of imported furs or the fact that some products contained artificially colored fur, and which contained comparative prices without giving a designated time of the compared price.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Madison's, Inc., a corporation, and its

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officers, and James Jacobs, David Madison, and Walter Zeidner, individually and as officers of said corporation, and Jean Madison and Walter Anstendig, as officers of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertisement, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) In words and figures plainly legible all of the information required to be disclosed by each of the sub-sections of section 4(2) of the Fur Products Labeling Act.

(2) The item number or mark assigned to a fur product.

B. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names of any animal or animals that produced the fur, in violation of section 4(3) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

C. Failing to set forth the term "Persian Lamb" in the manner required.

D. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

E. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing:

(1) All of the information required to be disclosed by each of the sub-sections of section 5(b) (1) of the Fur Products Labeling Act.

(2) The item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals that produced the fur contained in the fur product, as set forth in the Fur Products Name Guide, and as

prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a) (1) of the Fur Products Labeling Act.

C. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

It is further ordered, That the complaint be, and hereby is, dismissed as to Jean Madison and Walter Anstendig individually, but not as officers of said corporate respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Madison's, Inc., a corporation, and its officers, and James Jacobs, David Madison, and Walter Zeidner, individually and as officers of said corporation, and Jean Madison and Walter Anstendig, as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 25, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-531; Filed, Jan. 19, 1960;
8:46 a.m.]

[Docket 6616 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Radio Television Training Association, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections: 13.15-125 Individual or private business being: 13.15-125(a) Association; 13.15-200 Non-profit character. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1460 Individual or private business as professional person, association or guild; § 13.1495 Non-profit character. Subpart—Using misleading name—Vendor: § 13.2395 Individual or private business being association or guild; § 13.2430 Non-profit character.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Radio Television Training Association, Inc. (New York, N.Y.), et al., Docket 6616, November 24, 1959]

In the Matter of Radio Television Training Association, Inc., a Corporation, National Home Study School, a Corporation, and Leonard C. Lane, Harvey C. Kaplan and Frank Brown, Individually and as Officers of Radio Television Training Association, Inc., and National Home Study School

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City corporation organized to sell at a profit, correspondence courses in the practice and theory of radio and television, with misrepresenting its business as an association with members united in a common effort and for the particular purpose of advancing the science of television and radio training.

After acceptance of an agreement containing a consent order to cease and desist representing that its business was an association, the hearing examiner made his initial decision and order to cease and desist which became on November 24 the decision of the Commission. Further charges of the complaint remain to be disposed of. The complaint was dismissed June 30, 1959, as to the following parties: National Home Study School, an affiliate of RTTA at the same address; Leonard C. Lane and Harvey C. Kaplan as officials of National Home; and Frank Brown individually.

The order to cease and desist is as follows:

It is ordered, That respondents Radio Television Training Association, Inc., a corporation, and its officers, and Leonard C. Lane and Harvey C. Kaplan, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of courses of instruction in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "association" or any abbreviation or contraction thereof, as a part of the trade or corporate name under which the respondents conduct their business; or representing in any other manner or by any other means, directly or indirectly, that respondents' business is an association of any nature.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Radio Television Training Association, Inc., a corporation, and Leonard C. Lane and Harvey C. Kaplan, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 24, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-532; Filed, Jan. 19, 1960;
8:46 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

On December 16, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 10159) that the Secretary of Labor proposed to amend Chapter IV, 29 Code of Federal Regulations, by adding thereto a new Part 403 promulgating regulations prescribing the form and publication of financial reports required to be filed annually by every labor organization subject to section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), and by every labor organization subject to section 301(a) thereof, on behalf of a subordinate labor organization over which it has assumed and continues trusteeship.

The notice provided a period of 15 days within which interested persons might submit data, views or arguments pertaining to the proposed regulations. The time for filing such data and comments expired December 31, 1959.

Comments have been received from several interested persons. After consideration of all relevant matter presented, I conclude that with the following amendments, the regulations as proposed should be adopted: (1) Editorial and clarifying modifications of text in Form LM-2¹ and Form LM-3,¹ and in the instructions accompanying and constituting a part of each such Form; (2) interpolation in § 403.5(a) after the words "within 30 days of the effective date thereof," of the words "or of the effective date of this section, whichever is later,"; (3) Interpolation in § 403.5(b) after the words "shall file within 30 days after the termination of such trusteeship" of the words ", or of the effective date of this section, which ever is later," and, (4) it appears from comments received from interested persons that full financial records showing a breakdown of individual expenses of officers and employees engaged on official business of labor organizations are not practicably available for past periods, except with respect to expenses reimbursed by payments made to the individuals involved, but that such expenses of these individuals paid or reimbursed by labor organizations through prepayment or through the use of credit cards or other credit arrangements have been broken down and recorded as organizational expenses. Accordingly, appropriate modification of the instructions for the preparation of financial reports on the prescribed form for fiscal years beginning prior to January 1, 1960, appears necessary and therefore is hereinafter provided to permit, in such situations, such expenses as have been paid or reimbursed by labor organizations through prepayment, use of credit cards, or other credit arrangements to be reported as organizational expenses for any such fiscal year.

The regulations herein promulgated are authorized by section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519) and have for their basis and purpose implementation of section 201(b) thereof, which provides that every labor organization shall file annually with the Secretary of Labor a financial report, signed by its President and Treasurer or corresponding principal officers, containing information in the detail necessary to disclose accurately its financial condition and operations for its preceding fiscal year. They also implement section 301(a) of the Act, which provides that a labor organization which has assumed trusteeship over a subordinate labor organization shall file on behalf of such labor organization, during the continuance thereof, the annual financial report required by section 201(b) of the Act. Finally, the regulations implement section 208 of the Act which, besides authorizing the Secretary to issue rules and regulations prescribing the form and publication of such financial report, requires him to prescribe a simplified report for labor organizations for whom he finds that by virtue of their size a detailed report under section 201(b) of the Act would be unduly burdensome.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and under authority of sections 201(b), 208 and 301(a) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519) and R.S. 161 (5 U.S.C. 22), Subchapter A, Chapter IV, 29 Code of Federal Regulations, is hereby amended by adding thereto a new Part 403 to read as follows:

- Sec.
- 403.1 Fiscal year for reports required by this part.
 - 403.2 Annual financial report.
 - 403.3 Form of annual financial report—detailed report.
 - 403.4 Form of annual financial report—simplified report on short form.
 - 403.5 Terminal financial reports.
 - 403.6 Personal responsibility of signatories of reports.
 - 403.7 Maintenance and retention of records.
 - 403.8 Dissemination and verification of reports.
 - 403.9 Attorney-client communications exempted.
 - 403.10 Publication of reports required by this part.

Authority: §§ 403.1 to 403.10 issued under secs. 201(b), 301(a), 208, 73 Stat. 519, and R.S. 161, 5 U.S.C. 22.

§ 403.1 Fiscal year for reports required by this part.

(a) As used in this part, unless otherwise defined, the term "fiscal year" means the calendar year or other period of 12 consecutive calendar months, on the basis of which financial accounts are kept by a labor organization reporting under this part. Where a labor organization designates a new fiscal year period prior to the expiration of a previously established fiscal year period, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order each constitute a fiscal year

for purposes of the report required to be filed by section 201(b) of the Act, and of the regulations in this part.

(b) A labor organization which is subject to section 201(b) of the Act for only a portion of its fiscal year because the date of enactment of the Act (September 14, 1959) occurred during such fiscal year or because the labor organization otherwise first becomes subject to the Act during such fiscal year, may consider such portion as the entire fiscal year in making its report under this part.

§ 403.2 Annual financial report.

(a) Every labor organization shall, as prescribed by the regulations in this part, file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 90 days after the end of each of its fiscal years, a financial report signed by its President and Treasurer, or corresponding principal officers, together with a true copy thereof.

(b) Every labor organization shall include in its annual financial report filed as provided in paragraph (a) of this section, in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as prescribed by the Secretary under the provisions of this part, the information required by section 201(b) of the Act and found by the Secretary under section 208 thereof to be necessary in such report.

(c) If, on the date for filing the annual financial report of a labor organization required under section 201(b) of the Act and this section, such labor organization is in trusteeship, the labor organization which has assumed trusteeship over such labor organization shall file such report as provided in § 408.3 of this chapter.

§ 403.3 Form of annual financial report—detailed report.

(a) Every labor organization shall, except as expressly provided otherwise in this part, file an annual financial report as required by § 403.2, prepared on the following United States Department of Labor Form LM-2,¹ entitled "Labor Organization Financial Report", in the detail required by the following instructions accompanying such form and constituting a part thereof.

(b) The form prescribed by paragraph (a) of this section is not required for the initial financial report of any labor organization subject to Part 415 of this chapter if such organization files such report as prescribed in § 415.1 thereof, but any such labor organization may, at its option, file such initial report on the form prescribed by paragraph (a) of this section, in accordance with the requirements of this part.

§ 403.4 Form of annual financial report—simplified report on short form.

(a) If a labor organization, not in trusteeship, has gross annual receipts totaling less than \$20,000 for its reporting fiscal year and, because of its size, is unable to submit a detailed annual

¹ Filed as part of original document.

financial report without adding substantially to operating expenses or to the burdens of officers holding other regular jobs, a detailed report would be unduly burdensome for such organization by virtue of its size. Accordingly, subject to revocation of the privilege as provided in section 208 of the Act, any such labor organization may at its option, in lieu of complying with § 403.3(a), file an annual financial report as required by § 403.2, prepared as a simplified report on the following United States Department of Labor Form LM-3,¹ entitled "Short Form Labor Organization Financial Report", in accordance with the following instructions accompanying such form and constituting a part thereof.

(b) Any labor organization subject to Part 415 of this chapter may, if it meets the requirements of paragraph (a) of this section, file its initial financial report as provided in such paragraph (a) and in accordance with the requirements of this part, in lieu of the report as prescribed in § 415.1 of this chapter.

§ 403.5 Terminal financial reports.

(a) Any labor organization required to file a report under the provisions of this part, which during its fiscal year loses its identity as a reporting labor organization through merger, consolidation, or otherwise, shall, within 30 days of the effective date thereof, or of the effective date of this section, whichever is later, file a terminal financial report, and one copy, with the Commissioner of the Bureau, at the place aforesaid, on Form LM-2 or Form LM-3, as may be appropriate, signed by the President and Treasurer or corresponding principal officers of the labor organization immediately prior to the time of its loss of reporting identity.

(b) Every labor organization which has assumed trusteeship over a subordinate labor organization shall file within 30 days after the termination of such trusteeship, or of the effective date of this section, whichever is later, on behalf of the subordinate labor organization, a terminal financial report, and one copy, with the Commissioner of the Bureau at the place aforesaid, on Form LM-2 and in conformance with the requirements of § 403.2(c).

(c) For purposes of the reports required by paragraphs (a) and (b) of this section, the period covered thereby shall be the portion of the labor organization's fiscal year ending on the effective date of its loss of reporting identity, or the portion of the subordinate labor organization's fiscal year ending on the effective date of the termination of trusteeship over such subordinate labor organization, as the case may be.

§ 403.6 Personal responsibility of signatories of reports.

Each individual required to sign a report under section 201(b) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 403.7 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 403.8 Dissemination and verification of reports.

Every labor organization required to submit a report under section 201(b) of the Act and under this part shall make available to all its members the information required to be contained in such reports, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

§ 403.9 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 201(b) of the Act, and of this part, any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 403.10 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by section 201(b) of the Act and by the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them, shall be governed by the provisions of Part 407 of this chapter.

This amendment shall become effective February 19, 1960.

Signed at Washington, D.C., this 14th day of January 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-609; Filed, Jan. 19, 1960;
8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 217]

PART 43—DISCONTINUANCE OR CHANGE OF OPERATION OR SERVICE

Trains or Ferries

At a general session of the Interstate Commerce Commission, held at its office

at Washington, D.C., on the 12th day of November A.D. 1959.

It appearing, that the Commission in Ex Parte No. 217 issued a notice of proposed rule making dated June 16, 1959, proposing to amend rules and regulations governing notices and petitions filed with respect to the proposed discontinuance or change of the operation or service of any train or ferry pursuant to the provisions of section 13a of the Interstate Commerce Act, as amended, by carriers subject to part I of said act;

It further appearing, that a copy of the notice of proposed rule making was given to the general public by depositing a copy in the office of the Secretary of the Commission and by filing a copy with the Director of Federal Register Division, Washington, D.C.; and

It further appearing, that interested persons were offered the opportunity to file with the Commission on or before August 3, 1959, written statements of facts, opinions, arguments, or suggested amendments concerning the rules proposed and of any of the existing rules and that no representations have been received;

It is ordered, That the sections hereinafter indicated are hereby amended to read as follows:

§ 43.3 Form and style of notice.

The notice shall be reproduced by printing, multigraphing, or mimeographing (or by any other process provided the copies are clearly legible) on paper not less than 8½ by 11 inches, with the words, "Notice of proposed change (or discontinuance, if appropriate) of service" printed in large bold-face type near the top. If printed, nothing less than 12-point type shall be used in the remainder of the notice.

§ 43.4 Contents of notice.

A separate notice shall be given for each discontinuance or change of service. A single notice may include more than one train or ferry except that unrelated trains or ferries shall not be made the subject of a single notice. Each notice shall set forth the following information:

* * * * *

(d) Advice to the public that persons desiring to object to the proposed discontinuance or change should notify the Interstate Commerce Commission, at Washington, D.C., of such objection and the reasons therefor at least 15 days before the effective date of the proposed discontinuance or change.

§ 43.5 [Amendment]

1. Amend paragraphs (f), (g), and (h) to read as follows:

(f) Description of other common carrier service, including service of the subject carrier, of the same kind (passenger or freight) rendered by the trains or ferries involved, between and at the points described in the notice and other common carrier service available in the immediate territory.

(g) A statement of the traffic transported on trains, or ferries involved for

each of the last 2 calendar years and for the part of the current year for which such information is available. If information for such periods is not submitted, explanation must be given as to why such information was not submitted. When a notice involves more than one train or ferry, the traffic of each should be segregated to the extent practicable. If the proposed discontinuance or change involves less than all of the stations served by a train or ferry, to the extent such information is available segregation should be made of the traffic transported to and from each station which will be affected.

(h) Financial results of operating the trains or ferries involved during the period or periods embraced in the statement submitted pursuant to paragraph (g) of this section, segregated in the same manner and to the same extent as required by that paragraph.

2. Add a new paragraph (i) to read as follows:

(i) A copy of the carrier's general balance sheet statement as of the latest date available; and of its income statements for each of the last two calendar years and for that portion of the current year for which such information is available.

3. Change existing paragraph (i) to (j) reading as follows:

(j) A certificate that a copy of the notice and of the "Statement in Relation to Proposed Discontinuance or Change of Train or Ferry Service" has been mailed to the Governor and railroad regulatory body of each State in which the subject train or ferry is operated and that such notice has been posted in a conspicuous place in each station, depot, or other facility involved, including each ferry and each passenger car on trains affected, which certificate shall include information of the date or dates on which the notice and statement were mailed and the date or dates on which the notice was posted as aforesaid and that a copy of the notice and statement were served upon the Assistant Postmaster General, Bureau of Transportation, Washington 25, D.C., and the Railway Labor Executives' Association, Washington 1, D.C.

4. Reletter existing paragraph (j) to (k).

§ 43.8 Filing; copies.

As applicable, 8 copies of the notice and an original and 7 copies of the accompanying statement, or an original and 7 copies of the petition shall be

filed with the Secretary of the Commission, Washington, D.C. Each copy of the statement or petition shall bear the dates and signatures that appear in the original and shall be complete in itself; but the signatures in the copies may be stamped or typed.

It is further ordered, That this order shall become effective on February 8, 1960, and shall continue in effect until further order of this Commission; and

It is further ordered, That except as hereby amended the order of the Commission of August 14, 1958 (49 CFR Part 43), shall remain in full force and effect and that notice of this amendment will be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing with the Director of the Federal Register, Washington, D.C.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Budget Bureau No. 60-R342.1.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-544; Filed, Jan. 19, 1960; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 55]

GRANTS FOR WATER POLLUTION CONTROL

Construction of Treatment Works

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise § 55.25(a) (2) of 42 CFR Part 55, Subpart B, which relates to limitations on grants for projects for

treatment works or parts thereof. Interested persons may submit written data, views or arguments (in duplicate) in regard to the proposed amendment to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered.

Section 55.25(a) (2) would be amended to read as follows:

(2) To be eligible for a grant, a project must result in an operable treatment works, or part thereof, which treats or stabilizes sewage or industrial wastes of a liquid nature in order to abate, control or prevent water pollution. In addition, where a project or a portion thereof provides for the treatment or stabilization of

sewage or industrial wastes of a liquid nature, such treatment or stabilization shall consist of at least primary treatment, or its equivalent, resulting in the substantially complete removal of settleable solids.

(Sec. 10, 70 Stat. 506; 33 U.S.C. 466i. Interprets or applies sec. 6, 70 Stat. 502; 33 U.S.C. 466e)

Dated: December 30, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: January 14, 1960.

BERTHA ADKINS,
Acting Secretary.

[F.R. Doc. 60-535; Filed, Jan. 19, 1960; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

FIRECRACKERS

Available Certification by the Government of Viet-Nam

Certificates of origin issued by the Ministry of National Economy of the Government of Viet-Nam under procedures agreed upon between that Govern-

ment and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Viet-Nam of the following commodity:

Firecrackers.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 60-553; Filed, Jan. 19, 1960; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

WILLIAM J. RUSHTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955,

the following changes have taken place as of 1 January 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22, 1959.

- A. Deletions: No change.
B. Additions: No change.

Dated: January 1, 1960.

WILLIAM J. RUSHTON.

[F.R. Doc. 60-519; Filed, Jan. 19, 1960;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order for Opening of Public Lands; Correction

Plat of original survey of land officially filed in the Anchorage Land Office, Anchorage Alaska, effective at 10:00 a.m., November 1, 1959, is hereby corrected to read as follows:

SEWARD MERIDIAN

T. 20 N., R. 8 E.,
Sec. 24: All;
Sec. 25: Lots 1, 2, 3, 4, 5, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
Sec. 26: Lots 1, 2, 3, 4, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36: Lot 1.

Containing 1749.26 acres.

Dated: January 13, 1960.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 60-552; Filed, Jan. 19, 1960;
8:48 a.m.]

Office of the Secretary

[Order 2508, Amdt. 33]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 30 of Order No. 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272), is further amended by addition of a new subparagraph to read as follows:

Sec. 30. *Authority under specific acts.*
(a) * * *

(10) August 28, 1958 (P.L. 85-801; 72 Stat. 968).

FRED A. SEATON,
Secretary of the Interior.

JANUARY 13, 1960.

[F.R. Doc. 60-533; Filed, Jan. 19, 1960;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to authority (19 F.R. 74) delegated to the Administrator Agricultural Marketing Service, the material appearing at 22 F.R. 1452, as amended by material appearing at 23 F.R. 1606

and 6328, is hereby revoked and the following is substituted therefor:

ORGANIZATION AND FUNCTIONS

SECTION 1. General. The Agricultural Marketing Service, hereinafter referred to as "AMS", was created by the Secretary's Memorandum No. 1320, Supplement 4, of November 2, 1953, under the authority of section 161, Revised Statutes (5 U.S.C. 22), Reorganization Plan No. 2 of 1953 (5 U.S.C. 1332-15), and related authorities. AMS is organized to aid in advancing the orderly and efficient marketing and the effective distribution of products from the Nation's farms. The domestic marketing and distribution functions of the Department are centered in AMS. AMS is also responsible for the coordination of all statistical and related economic analysis work of the Department. The primary functions of AMS include marketing research and development programs relating to the assembly, transportation, storage, handling, packaging, distribution and pricing of farm products, and the structure, financing and organization of domestic markets; economic analysis and statistical programs relating to agricultural prices and income, commodity outlook and situation, food demand and consumption, farm population and rural life, and agricultural history; crop and livestock estimates and reporting programs relating to production, value and utilization of farm crops and livestock and livestock products, and prices received and paid by farmers; marketing services (market news, standardization, inspection, classing, grading) programs contributing to the efficient and orderly marketing of agricultural commodities; freight rate services to assist in obtaining and maintaining equitable transportation rates and services on farm supplies and products; marketing regulatory programs aimed at protecting farmers and others from financial loss resulting from deceptive, careless, and fraudulent marketing practices; school lunch program aimed at improving the health and well-being of the Nation's school children and broadening the market for agricultural food commodities; surplus removal of agricultural commodities and marketing agreement and order programs designed to maintain prices received by farmers and establish and maintain orderly marketing conditions; and assigned civil defense and defense mobilization activities involving planning for processing and distributing foods and fibers under emergency conditions. AMS has also been delegated authority for, and is called upon, to perform certain other services for Federal, State and private agencies, on a reimbursable or advance payment basis. These include, among others, the special milk program, and administration of section 708 of the National Wool Act of 1954. The central office of AMS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices of the several Washington commodity and functional divisions.

SEC. 2. The Office of the Administrator—(a) The Administrator. The Ad-

ministrator is responsible for the general direction and supervision of programs and activities assigned to AMS. He reports to the Assistant Secretary for Marketing and Foreign Agriculture.

(b) *Deputy Administrator, Economics and Statistics.* The Deputy Administrator for Economics and Statistics is responsible for:

(1) Participating with the Administrator in the over-all planning and formulation of all programs and activities of the AMS; and

(2) Directing and coordinating the administration of basic economic analysis and statistical programs, crop and livestock estimates and reporting programs, programs for the coordination, review, clearance and improvement of statistics in the Department, programs providing for the technical review and approval of economic outlook and situation reports, assigned civil defense and defense mobilization activities, and other related programs and activities. These programs and activities are carried out by three functional Divisions, the Agricultural Economics, Agricultural Estimates, and Statistical Standards Divisions, and a staff assistant (Chairman, Outlook and Situation Board), located at Washington, D.C., and by field State Statistical offices on agricultural estimates and reporting and functional field branch offices on economic analysis and statistics.

(c) *Deputy Administrator, Marketing Research.* The Deputy Administrator for Marketing Research is responsible for:

(1) Participating with the Administrator in the over-all planning and formulation of all policies, programs and activities of AMS;

(2) Directing and coordinating the administration of research and development programs relating to marketing and distribution to improve and facilitate the marketing of agricultural commodities involving market development, marketing technology, market organization and cost, transportation and facilities, foreign grants and contract research, assigned civil defense and defense mobilization activities, and other related programs and activities. These programs and activities are carried out by four functional Divisions, the Marketing Economics Research, Market Development Research, Market Quality Research, and Transportation and Facilities Research Divisions, located at Washington, D.C., and by functional field branch offices on marketing economics, market development, market quality and transportation and facilities research; and

(3) Serving as the focal point in AMS on Research and Marketing Act Advisory Committee activities.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the over-all planning and formulation of all policies, programs and activities of AMS; and

(2) Directing and coordinating the administration of the marketing services, freight rate services, marketing regula-

tory, school lunch, surplus removal, marketing agreements and orders, special milk, assigned civil defense and defense mobilization activities, and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry and Tobacco), and two functional Divisions (Food Distribution and Special Services), located at Washington, D.C., and by functional field branch offices of these Divisions.

(e) *Assistant Administrator for Management.* The Assistant Administrator for Management under the direction and supervision of the Administrator is responsible for:

(1) Participating with the Administrator, Deputy Administrators, and other key staff members, in the over-all planning and formulation of all policies, programs and activities of AMS, with particular emphasis on the management aspects; and

(2) Directing and coordinating the administration and integration of the over-all management, budget, fiscal, personnel, and administrative services programs necessary to meet the requirements of the marketing and distribution programs and assigned civil defense and defense mobilization activities of AMS. These programs and activities are carried out by the Administrative Services, Budget and Finance, and Personnel Divisions located at Washington, D.C., and by field Area Administrative Divisions.

Sec. 3. Staff Assistants and Staff Divisions—(a) Liaison, Matching Fund Program, State Departments of Agriculture. This office under the direction and supervision of the Administrator is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States; and

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies.

(b) *Marketing Information Division.* The Marketing Information Division under the direction and supervision of the Administrator is responsible for planning and administering an information program involving the activities of AMS. In addition to the central office located at Washington, D.C., this program is carried on through area Information Offices.

(c) *Internal Audit Division.* The Internal Audit Division under the direction and supervision of the Administrator is responsible for planning and administering the program appraisal and audit and investigatory services programs necessary to meet the requirements of the over-all programs and activities of AMS. In addition to the central office located at Washington, D.C., this program is carried on through area offices.

SEC. 4. Economics and Statistics. The Agricultural Economics, Agricultural Estimates and Statistical Standards Divisions, and the Chairman of the Outlook and Situation Board under the direction and supervision of the Deputy Administrator for Economics and Statistics are responsible as follows:

(a) *Agricultural Economics Division.* The Agricultural Economics Division is responsible for:

(1) Planning and administering economic analysis and statistical research and service programs relating to farm prices, demand for and consumption of farm products, agricultural history; farm income, relationships between the farm economy and the national economy, and the economic forces affecting the general levels of demand, prices and income in agriculture; farm population, farm manpower, levels of living, rural development, and other rural problems and trends; and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Agricultural Estimates Division.* The Agricultural Estimates Division is responsible for:

(1) Planning and administering crop and livestock estimates and reporting programs including estimates of acreages, yields, production, stocks, value and utilization of farm crops; numbers, production, value and utilization of livestock and livestock products; prices received by farmers for products sold and prices paid for commodities and services bought for living and production; farm employment and wage rates; quantities of various foodstuffs in cold storage; and other aspects of the agricultural economy;

(2) Computing the parity index and determining and publishing parity prices for agricultural commodities;

(3) Administering the Peanut Statistics Act and the Turpentine and Rosin Statistics Act; and

(4) Executing assigned civil defense and defense mobilization activities. The Division Director serves as Chairman of the Crop Reporting Board.

(c) *Statistical Standards Division.* The Statistical Standards Division under the direction and supervision of the Deputy Administrator for Economics and Statistics is responsible for:

(1) Reviewing all statistical forms, survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Bureau of the Budget;

(2) Providing liaison for coordination of statistics within the Department and with other statistical agencies;

(3) General improvement of statistical methods and techniques in AMS and throughout the Department through counseling, investigation of alternative methods and techniques, and development of new methods and techniques; and

(4) Systems analysis, programming, and processing of data by electronic and electro-mechanical equipment to meet the requirements of the over-all programs and activities of AMS.

(d) *Chairman, Outlook and Situation Board.* The Chairman of the Outlook

and Situation Board under the direction and supervision of the Deputy Administrator for Economics and Statistics is responsible for:

(1) Serving as Chairman of the Outlook and Situation Board, and

(2) Providing for the technical review and approval of all economic Outlook and Situation reports prepared within the Department.

SEC. 5. Marketing Research. The Marketing Economics Research, Market Development Research, Market Quality Research, and Transportation and Facilities Research Divisions under the direction and supervision of the Deputy Administrator for Marketing Research are responsible as follows:

(a) *Marketing Economics Research Division.* The Marketing Economics Research Division is responsible for:

(1) Planning and administering marketing research programs including economic and cost analysis research relating to the marketing of specific agricultural commodities, the organizational structure and practices of commodity markets, informational, statistical, and other services needed for the management of marketing firms, and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Market Development Research Division.* The Market Development Research Division is responsible for:

(1) Planning and administering marketing research programs relating to market potentials, distribution, and merchandising of agricultural products, with emphasis on products in abundant supply requiring additional outlets, and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *Market Quality Research Division.* The Market Quality Research Division is responsible for:

(1) Planning and administering marketing research programs involving the measurement, improvement and protection of quality of agricultural products as they pass through the marketing system with emphasis on the physiological, biochemical, pathological and entomological problems encountered, physical and biological evaluation of quality factors, and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Transportation and Facilities Research Division.* The Transportation and Facilities Research Division is responsible for:

(1) Planning and administering marketing research programs to improve the physical handling of farm and food products, including transportation, containers, wholesaling, retailing, handling methods and equipment, marketing facilities, and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

Sec. 6. Marketing Services. The Commodity Divisions, consisting of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco Divisions, and the Food Distribution and

Special Services Divisions, under the direction and supervision of the Deputy Administrator for Marketing Services, are responsible as follows:

(a) *Cotton Division*. The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954, U.S. Cotton Standards Act, as amended, Cotton Statistics and Estimates Act, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division*. The Dairy Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, surplus removal, expansion of market outlets, and related programs for milk and dairy products as authorized by the Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities;

(2) Directing market news services on poultry and poultry products, and domestic rabbits; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division*. The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, marketing regulatory, surplus removal, expansion of market outlets, and related programs for fruits and vegetables, their products and other assigned commodities as authorized by the Standard Container Acts of 1916 and 1928, as amended, Produce Agency Act, as amended, Perishable Agricultural Commodities Act, 1930, as amended, Export Apple and Pear Act, Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, section 8e of the Agricultural Adjustment Act of 1933, as added August 28, 1954, and amended, Agricultural Marketing Act of 1946, as amended, and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division*. The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay and

related commodities as authorized by the U.S. Grain Standards Act, as amended, Federal Seed Act, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities;

(2) Planning and administering market news services on molasses and sugar cane syrups; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division*. The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, and grading), marketing regulatory, surplus removal, expansion of market outlets, and related programs for livestock, meat, meat products, wool, mohair, and related commodities as authorized by Packers and Stockyards Act, 1921, as amended, Wool Standards Act, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division*. The Poultry Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), surplus removal, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by Poultry Products Inspection Act (71 Stat. 441), section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities;

(2) Formulating policies for market news service on poultry and poultry products, and domestic rabbits, which are administered by the Dairy Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division*. The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, marketing regulatory, surplus removal, expansion of market outlets, statistical reporting and related programs for tobacco, tobacco products and by-products, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended, Tobacco Inspection Act, as amended, Tobacco Plant and Seed Exportation Act, Naval Stores Act, Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(h) *Food Distribution Division*. The Food Distribution Division is responsible for:

(1) Planning and administering food distribution programs including school lunch, special milk, direct distribution, food trades, food preservation, and related programs as authorized by Na-

tional School Lunch Act, as amended, Public Law 85-478 as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, and section 416 of the Agricultural Act of 1949, as amended, and other authorities; and

(2) Executing civil defense and defense mobilization activities which include acting as food claimant for U.S. civilians, and working with the Office of Civil and Defense Mobilization on problems of emergency food supply and distribution.

(i) *Special Services Division*. The Special Services Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, and certain related authorities covering adjustment in freight rates and services for agricultural products and farm supplies;

(3) Acting for, or assisting on assignment from, the Office of the Administrator in directing and coordinating the planning activities and operations assigned AMS with respect to civil defense and defense mobilization; and

(4) Executing other marketing services programs and activities as assigned.

Sec. 7. Management Services. The Administrative Services, Budget and Finance, and Personnel Divisions, and the Area Administrative Divisions, under the direction and supervision of the Assistant Administrator for Management are responsible as follows:

(a) *Administrative Services Division*. The Administrative Services Division is responsible for:

(1) Planning and administering procurement, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the over-all programs and activities of AMS;

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts for research work under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Assistant Administrator for Management in the coordination of management improvement including the preparation of management improvement reports, coordination of administrative management activities cutting across administrative division lines, maintaining follow-up and coordination on administrative actions necessary as a result of audits, committee management activities of AMS, and defense planning administrative activities of AMS.

(b) *Budget and Finance Division*. The Budget and Finance Division is responsible for:

(1) Planning and administering the budget, fiscal, and related financial programs necessary to meet requirements of the over-all programs and activities of AMS;

(2) Developing and assisting in establishing required controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Developing, installing and revising accounting systems, methods and procedures for market administrators and control committees operating under marketing agreements and orders.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, training, safety, and health phases of a personnel program to meet requirements of the over-all programs and activities of AMS.

(d) *Area Administrative Divisions.* Area Administrative Divisions are responsible for planning and carrying out administrative services, budget, fiscal, and personnel management, and related programs necessary to meet requirements of the over-all programs and activities of AMS within assigned geographic and functional areas.

DELEGATIONS OF AUTHORITY

SEC. 8. Deputy Administrators. Under the direction and supervision of the Administrator, the Deputy Administrator, Economics and Statistics, the Deputy Administrator, Marketing Research, and the Deputy Administrator, Marketing Services, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator. The authority herein conferred upon each Deputy Administrator shall be exercised by each of such officers in connection with the programs and activities of AMS assigned now or hereafter to the direction and supervision of the respective Deputy Administrator.

SEC. 9. Assistant Administrator for Management. Under the direction and supervision of the Administrator, the Assistant Administrator for Management is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator, with respect to formulating, directing, coordinating, and integrating the over-all management, budget, fiscal, personnel, and administrative services programs and activities to meet the requirements of AMS.

SEC. 10. Staff Assistants and Staff Divisions. Under the direction and supervision of the Administrator, the officer in charge of the Liaison, Matching Fund Program, State Departments of Agriculture, office; and Directors of the Marketing Information and the Internal Audit Divisions, are hereby delegated authority in connection with the respective functions herein assigned to each of them, to

perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 11. Economics and Statistics Divisions and Staff Assistant. Under the direction and supervision of the Deputy Administrator, Economics and Statistics, the Directors of the Agricultural Economics, the Agricultural Estimates, the Statistical Standards Divisions and the Chairman, Outlook and Situation Board, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 12. Marketing Research Divisions. Under the direction and supervision of the Deputy Administrator, Marketing Research, the Directors of the Marketing Economics Research, Market Development Research, Market Quality Research, and the Transportation and Facilities Research Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 13. Marketing Services Divisions. Under the direction and supervision of the Deputy Administrator, Marketing Services, the Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Food Distribution, and the Special Services Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 14. Management Services Divisions. Under the direction and supervision of the Assistant Administrator for Management, the Directors of the Administrative Services, Budget and Finance, Personnel and the Area Administrative Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, delegated or assigned to the Assistant Administrator for Management.

SEC. 15. Concurrent authority and responsibility to the Administrator. No delegation or authorization prescribed herein shall preclude the Administrator, each Deputy Administrator, or the Assistant Administrator for Management,

from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator and in their respective fields, by each Deputy Administrator, or the Assistant Administrator for Management. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or Offices of AMS, or other Governmental or private organizations or groups.

SEC. 16. Availability of information and records. Any person desiring information or to make submittals or requests with respect to the programs and functions of AMS should address his request to: Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., or to the Director of the particular Division or Office, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C. The availability of information and records of AMS and its Divisions and offices is governed by the rules of the Secretary in subpart A of Part 1, Title 7, Code of Federal Regulations.

SEC. 17. Other authorizations and delegations. All actions relating to any programs or activities affected hereby, and previous delegations of authority with respect to such programs or activities shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority; and nothing herein shall affect the validity of anything heretofore done under previous delegations of authority or assignment of functions. The delegations and authorizations prescribed herein to Divisions and Offices of AMS are subject to such delegations and authorizations as are granted by the AMS Instructions and otherwise.

Issued at Washington, D.C., this 14th day of January 1960.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 60-538; Filed, Jan. 19, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13341-13344; FCC 60M-89]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broad-

casting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344, File No. BP-12887; for construction permits.

It is ordered, This 12th day of January 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1960, in Washington, D.C.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-554; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket Nos. 13356-13359; FCC 60-29]

**HARTSVILLE BROADCASTING CO.
(WHSC) ET AL.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Hartsville Broadcasting Company (WHSC), Hartsville, South Carolina, Has: 1450 kc, 250 w, U, Requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13356, File No. BP-12169; WMFJ, Inc. (WMFJ), Daytona Beach, Florida, Has: 1450 kc, 250 w, U, Requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13357, File No. BP-12623; Carter C. Peterson, tr/as Dixie Broadcasting Company (WCCP), Savannah, Georgia, Has: 1450 kc, 250 w, U, Requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13358, File No. BP-13140; Low Country Broadcasting Company (WQSN), Charleston, South Carolina, Has: 1450 kc, 250 w, U, Requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13359, File No. BP-13254; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of January 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated November 6, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of

the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, by letter dated November 19, 1959, the Hartsville Broadcasting Company (BP-12169) stated that Mr. Pat McSwain, General Manager of Station WGNC, Gastonia, North Carolina, has agreed to waive any interference the proposal of BP-12169 may cause to the existing operation of WGNC; but that Radio Station WGNC has not notified the Commission of any agreement to accept such interference; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WHSC, WMFJ, WCCP and WQSN and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the interference received from the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Proposals and Existing Stations

BP-12169 WMYB, Myrtle Beach, S.C.
WGNC, Gastonia, N.C.
BP-12623 WMYB, Myrtle Beach, S.C.
WQSN, Charleston, S.C.
WCCP, Savannah, Ga.
BP-13140 WGIG, Brunswick, Ga.
WMFJ, Daytona Beach, Fla.
WQSN, Charleston, S.C.
WSTU, Stuart, Fla.
BP-13254 WCCP, Savannah, Ga.
WMFJ, Daytona Beach, Fla.
WMYB, Myrtle Beach, S.C.
WSTU, Stuart, Fla.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding:

Coastal Carolina Broadcasting Corporation (WMYB), Myrtle Beach, S.C.
Catherine T. McSwain (WGNC), Gastonia, N.C.

Brunswick Broadcasting Corporation (WGIG), Brunswick, Ga.
The Blue Water Broadcasting Company, Inc. (WSTU), Stuart, Fla.

It is further ordered, That, the following licensees who are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

WMFJ, Inc. (WMFJ), Daytona Beach, Fla.
Carter C. Peterson tr/as Dixie Broadcasting Company (WCCP), Savannah, Ga.
Low Country Broadcasting Company (WQSN), Charleston, S.C.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-555; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket Nos. 13072-13075; FCC 60-21]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as Tri-Cities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations.

1. There are before the Commission (1) motion to enlarge issues, filed August 31, 1959, by Southern Broadcasters, Inc. (Southern); (2) supplement to Item (1) and request for leave to amend Item (1), filed September 4, 1959, by Southern; (3) opposition to Items (1) and (2), filed September 14, 1959, by Broadcast Bureau; (4) Reply to Item (3), filed September 17, 1959, by Southern; (5) oppositions to Items (1) and (2), filed September 14, 1959, by Jefferson Standard Broadcasting Company (Jefferson); Reply to Item (5), filed September 24, 1959, by Southern; and, (7) the matters of record in the above-entitled proceeding.

2. By Order, released August 11, 1959 (FCC 59-826), the Commission designated for hearing in a consolidated proceeding the applications of Jefferson Standard Broadcasting Company, Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as Tri-Cities Broadcasting Company, High Point Television Company, and Southern Broadcasters, Inc. Each of the applicants requests a construction permit for a new television broadcast station to operate on Channel 8, assigned to Greensboro-High Point-Winston-Salem, North Carolina.

3. The issues as set forth in the Order of Designation are addressed to whether: (1) the applications of Jefferson and Tri-Cities should be dismissed pursuant to the provisions of §§ 1.308 and/or 1.310 of the Commission's rules; (2) a grant of Tri-Cities' application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules; (3) the antenna system and site proposed by Tri-Cities would constitute a hazard to air navigation. The final issue is the standard comparative issue.

4. Southern requests that four issues be added to this proceeding, and that the burden of the introduction of evidence and the burden of proof be placed on Jefferson. Three of these issues were requested in the original motion. The fourth issue was requested in Southern's "supplement" to its motion. The original issues sought are:

To determine whether a grant of the application of Jefferson Standard Broadcasting Company would be consistent with the

provisions of § 3.636(a)(1)¹ of the Commission's rules and regulations, in view of the substantial overlap of the area to be served by the proposed station of Jefferson Standard Broadcasting Company with the areas served by Television Station WBTW, Charlotte, North Carolina and WBTW, Florence, South Carolina, which are presently licensed to the applicant.

To determine whether a grant of the application of Jefferson Standard Broadcasting Company would result in an undue concentration of control of broadcast stations, and hence, be contrary to the provisions of § 3.636(a)(2)² of the Commission's rules and regulations, and inconsistent with the public interest, convenience and necessity, in view of the applicant's operation of two television broadcast stations in Charlotte, North Carolina and Florence, South Carolina, and a 50 kw standard broadcast station at Charlotte, North Carolina with a booster station at Shelby, North Carolina.

To determine whether Jefferson Standard Broadcasting Company dominates and controls the economic life of the area to be served by its proposed station to such an extent that grant of its application would be inconsistent with the public interest, convenience and necessity through its financial interests, power and holdings and its operation of two television broadcast stations in Charlotte, North Carolina and Florence, South Carolina, and a 50 kw standard broadcast station at Charlotte, North Carolina with a booster station at Shelby, North Carolina.

5. The determination of whether to add the § 3.636(a)(1) issue (duopoly) turns upon the meaning of the term "substantially the same area" as used in this Section. We have held³ that it must be determined upon the facts of record in an individual case whether grade B overlap results in service to "substantially the same area".

6. The Commission notes that Jefferson is the licensee of Stations WBTW, Channel 3, Charlotte, North Carolina and Station WBTW, Channel 8, Florence, South Carolina. In the event its application were to be granted, the proposed grade B contour of the instant application would overlap the grade B contours of Stations WBTW and WBTW to the extent of 47 and 18 miles, respectively. Jefferson urges that the parties to the proceeding can establish its alleged violation of § 3.636(a)(1) under the standard comparative issue, thus

¹ The relevant language in the section provides:

§ 3.636 Multiple ownership. (a) [n]o license for a television broadcast station shall be granted to any party (including all parties under common control) if:

(1) Such party directly or indirectly owns, operates or controls another television station which serves substantially the same area; * * *

² The relevant language in the section provides:

(a) [n]o license for a television broadcast station shall be granted to any party * * * if: (1) * * * (2) Such party * * * directly or indirectly owns, operates or controls * * * any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience or necessity * * *

³ North Dakota Broadcasting Company, 17 RR 499 (1959). This decision is incorrectly reported in 27 FCC 246 (1959) and will be corrected when the volume is bound.

obviating the need for a specific issue. This view disregards the disqualifying language used in that Section. By refusing to add the duopoly issue, in view of the grade B overlap that would result if Jefferson's application was approved, the Commission would be precluding the parties to the proceeding from attempting to disqualify Jefferson.⁴

7. Jefferson contends that the Commission has already concluded that the grade B overlap present is not violative of § 3.636(a)(1).⁵ It implies that at this juncture in the proceeding, we are precluded from adding this issue. This view would bar any petition to enlarge relating to a question raised in a 309(b) letter. Jefferson's contention is rejected for the same reasons stated in Deep South Broadcasting Company (WSLA), 14 RR 1028 (1959), in which a similar argument had been advanced.

8. Finally, it is asserted by Jefferson that the total amount of grade B overlap which would exist if its application was granted is insignificant and does not warrant the addition of this issue. In support of this position, it is averred that in other proceedings where this issue was present, the amount of grade B overlap was greater than in the instant proceeding. Regardless of these decisions, the Commission believes that the overlap is sufficient to warrant its consideration in the hearing.

SECTION 3.636(a)(2)

9. The determination of Southern's motion to add an issue as to whether the grant of Jefferson's application would result in a violation of § 3.636(a)(2) of our rules turns upon the meaning of the phrase "concentration of control" as used in this Section. We have noted⁶ that Jefferson is the licensee of two television stations, one in Charlotte, North Carolina and one in Florence, South Carolina. It is also the licensee of standard broadcast station WBT, Charlotte, North Carolina with a booster station at Shelby, North Carolina. Through North Carolina Broadcasting Company, Inc., a wholly-owned subsidiary of Jefferson Standard Life Insurance Company as is the applicant in this proceeding (Jefferson Standard Broadcast-

⁴ We are aware that our conclusion as to disqualification overrules our Memorandum Opinion and Order in WIS-TV Corp., 9 RR 361 (1953), where it was stated that the prescription of Section 3.636 was inapplicable to overlap cases. This is indicated by the holding in Clarksburg Publishing Co. v. FCC, 225 F. 2d 511 (CA DC 1955), 12 RR 2024, decided subsequent to WIS-TV Corp. The Court, in Clarksburg, held that § 3.636(a)(1) indicates that substantial grade B overlap be considered in determining whether such overlap results in "service to substantially the same area."

⁵ In the Commission's 309(b) letter to Jefferson, dated February 2, 1959, we noted the existence of grade B overlap. Jefferson replied: "[it] had no objection to the inclusion of these questions in the issues to be determined in the comparative hearing, although they are unnecessary since evidence relating thereto may be introduced under the standard comparative issue."

⁶ See paragraph 6, supra.

ing Company), Jefferson is the licensee of standard broadcast station WBIG, Greensboro, North Carolina.

10. Ownership of the stations referred to in the preceding paragraph, together with the station proposed in the pending application of Jefferson, raise questions as to whether grant of the application would result in a concentration: (1) geographically of Jefferson's stations; (2) in the number of persons served within the geographic area served by Jefferson's stations; and (3) in the dominance of Jefferson over the limited number of competitive facilities in the area served by Jefferson's stations. These questions are of sufficient import to warrant adding an issue as to whether a grant of Jefferson's application would be contrary to § 3.636(a)(2). Jefferson's argument that the alleged violation of § 3.636(a)(2) can be established under the standard comparative issue is rejected for the same reasons set forth above.¹

CONCENTRATION OF ECONOMIC LIFE

11. To establish that Jefferson "dominates and controls the economic life of the area to be served by its proposed station", Southern (1) points to Jefferson's broadcast interests; (2) alleges that Jefferson Standard Life Insurance Company and its subsidiary have written a significant amount of the total life insurance in force in North Carolina; and, (3) alleges that Jefferson Standard Life Insurance Company allegedly owns a 41-percent interest in a bank in Greensboro, North Carolina. As authority for addition of the issue, Travelers Broadcasting Service Corporation, 12 RR 689 (1957) is cited.⁸ Finally, Southern contends that Section 3.636 does not contemplate this type of factual situation; hence, it is urged that the proposed issue be specified.

12. The facts alleged in support of the request for this issue would not, if proved, be the basis for an absolute disqualification under our Rules. The matters sought to be introduced are admissible under the standard comparative issue.⁹ Thus, there is no need to grant this enlargement. Southern's reliance on Travelers Broadcasting Service Corporation, supra, is not persuasive. The issues in that proceeding were enlarged by the Examiner to include an "economic domination issue"; this was done pursuant to

a Commission procedure which has been abolished.¹⁰

13. Southern filed a "supplement" to the motion to enlarge issues and request for leave to amend said motion on September 4, 1959. Through this device, Southern sought to amend its § 3.636(a)(2) issue¹¹ and its concentration of economic life issue¹² and to conclude both issues with the phrase:

and through (North Carolina Broadcasting Company, Inc.) a 5 kw standard broadcast station (WBIG) at Greensboro, North Carolina.

In addition, Southern sought to add a fourth issue which states:

To determine whether grant of the application of Jefferson Standard Broadcasting Company would result in an undue concentration of control of the mass media of communications, so that a grant of its application would be inconsistent with the public interest, convenience and necessity, in view of its financial interests in numerous newspapers and its operation of two television stations in Charlotte, North Carolina and Florence, South Carolina; a 50 kw standard broadcast station at Charlotte, North Carolina with a booster station at Shelby, North Carolina; and (through North Carolina Broadcasting Company, Inc.) a 5 kw standard broadcast station at Greensboro, North Carolina.

14. The reason offered for the amendment is: " * * * that [Southern] previously * * * inadvertently failed to include among the holdings of Jefferson Standard Broadcasting Company a standard broadcast station * * * WBIG * * * at Greensboro, North Carolina." Regarding the additional issues it is seeking, Southern, in justification of its request, states that financial information about Jefferson is not available in Washington, D.C.; hence, it had to be secured from North Carolina.

15. The Commission's rules do not contemplate the filing of pleadings such as this. Moreover, the request is untimely under § 1.141 of the rules since it was filed on September 4, 1959, and the Designation Order was published in the FEDERAL REGISTER on August 14, 1959. Our holding in Liberty Television Inc., 18 RR 206 (1959), rejecting a similar type pleading, is apposite in the instant proceeding.¹³ Southern has not demonstrated that good cause exists for filing this request beyond the 15-day period specified by § 1.141 of our rules. Consequently, this pleading will be stricken.

¹⁰ The issues in Travelers were enlarged by the Examiner pursuant to § 1.841 of the Commission's rules: "Exchange of exhibits and information; commencement of hearing procedure in cases involving broadcast applications for authority to construct broadcast facilities." The relevant language stated: " * * * (d) the Hearing Examiner shall * * * issue an order * * * which recites * * * the action taken * * * [regarding] * * * matters relating to the subsequent course of the hearing. The orders issued by the Examiner * * * shall control the course of the hearing * * *". This section was deleted on December 28, 1957, 22 F.R. 10981.

¹¹ See paragraph 4, supra.

¹² See paragraph 4, supra.

¹³ It was held that a supplement to a motion to enlarge issues was in substance a new petition governed by § 1.141.

It may be noted in passing, however, that the evidence sought to be introduced under the requested issue is admissible under the standard comparative issue.

16. The issues to be added to this proceeding relate to the basic qualifications of Jefferson to be the licensee of a new television broadcast station assigned to Greensboro-High Point-Winston-Salem, North Carolina. Consequently, the burden of proceeding with the introduction of evidence and the burden of proof as to these issues will be upon Jefferson.

Accordingly, It is ordered, This 13th day of January 1960, That the Motion of Southern Broadcasters, Inc., filed August 31, 1959, is granted; the request made by Southern Broadcasters in the supplement filed September 4, 1959, is denied; and the issues are amended to renumber Issues "6-7" as Issues "8-9"; and the following Issues 6-7 are added:

To determine the extent of the overlap, and whether a grant of the application of Jefferson Standard Broadcasting Company would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules and regulations, in view of the existing overlap of the area to be served by the proposed station of Jefferson Standard Broadcasting Company with areas served by television stations WBTW, Charlotte, North Carolina and WBTW, Florence, South Carolina, which are presently licensed to the applicant.

To determine whether a grant of the application of Jefferson Standard Broadcasting Company would result in an undue concentration of control of broadcast stations and hence, be contrary to the provisions of § 3.636(a)(2) of the Commission's rules and regulations, and inconsistent with the public interest, convenience and necessity, in view of the applicant's operation of two television broadcast stations in Charlotte, North Carolina and Florence, South Carolina, and a 50 kw standard broadcast station at Charlotte, North Carolina with a booster station at Shelby, North Carolina, and through North Carolina Broadcasting Company, Inc. a 5 kw standard broadcast station (WBIG) at Greensboro, North Carolina.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the foregoing issues shall be upon Jefferson Standard Broadcasting Company.

Released: January 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁴

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-556; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket No. 13182; FCC 60-31]

KPOI BROADCASTING CO., INC.

Order to Show Cause

In the matter of Assignment of Call Letters KPOI to KPOI Broadcasting Company, Inc., for its Standard Broadcast Station in Honolulu, Hawaii, Docket No. 13182.

The Commission having under consideration its Memorandum Opinion and

¹⁴ Dissenting opinion of Commissioner Robert E. Lee, filed as a part of the original.

¹ See paragraph 6, supra.

⁸ In a comparative television proceeding where one of the applicants was wholly owned by Travelers Insurance Company, pursuant to then existing Commission procedures, the issues were enlarged by the Examiner to include an issue relating " * * * to alleged 'economic domination' in the Hartford [Connecticut] area by Travelers Insurance Company * * *".

⁹ See Midland Broadcasting Company, 3 RR 1961 (1948). In Midland, a comparative television proceeding, there was no specific economic domination issue. However, the Commission preferred a newspaper-owner applicant on the basis of local ownership and integration over an applicant connected with a manufacturing company which it found "necessarily dominated the life of most of the inhabitants of the community."

Order (FCC 59-1040), released October 15, 1959, wherein the KPOI Broadcasting Company, Inc., licensee of standard broadcast station KPOI, Honolulu, Hawaii, was advised of the objections to the Commission's action of May 1, 1959, filed by Radio Hawaii, Inc., licensee of standard broadcast station KPOA, Honolulu, Hawaii, and of the grounds and reasons for said objections and that the Commission is of the opinion that the statements submitted by Radio Hawaii, Inc., raise a substantial question as to whether confusion results from the use of the two sets of call letters, KPOA and KPOI, in Honolulu, Hawaii, and whether, therefore, KPOI should be required to change its call letters to avoid possible confusion and misconception in the minds of the listeners as to the identity of said two stations; and

It appearing that, by the aforementioned Memorandum Opinion and Order, the KPOI Broadcasting Company, Inc., was directed to show cause, by public hearing if requested within 30 days of said Order, why the Commission should not issue an order rescinding its action of May 1, 1959, in assigning the call letters, KPOI, to its Honolulu station; and

It further appearing that, in directing the KPOI Broadcasting Company, Inc., to show cause why the Commission should not rescind its action in assigning call letters, KPOI, the licensee of KPOI was advised that, in the event it desires a public hearing in this matter, such hearing should be requested within 30 days from the date of the Commission's Memorandum Opinion and Order; and

It further appearing that, by letter of October 20, 1959, counsel advised the Commission that the KPOI Broadcasting Company, Inc., desires a hearing in this matter; and

It further appearing that, by letter of October 29, 1959, counsel for Radio Hawaii, Inc., requested that Radio Hawaii, Inc., be made a party to the proceeding;

It is ordered, This 13th day of January 1960, that pursuant to section 4(i) of the Communications Act of 1934, as amended, that the KPOI Broadcasting Company, Inc., is directed to show cause why an order rescinding the Commission's action of May 1, 1959, in assigning the call letters, KPOI, to the Honolulu station of which the KPOI Broadcasting Company, Inc., is licensee should not be issued, and to appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by a subsequent order upon the following issue: To determine whether use of the call letters KPOI by KPOI Broadcasting Company, Inc., for its standard broadcast station would result in confusion in the minds of listeners in the service areas of Station KPOI and Station KPOA, Honolulu, Hawaii, and, if so, whether the confusion would be such that the KPOI Broadcasting Company, Inc., should be required to select new call letters.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof as to why the Commission should not rescind

its action of May 1, 1959, in assigning the call letters, KPOI, to the Honolulu station of which the KPOI Broadcasting Company, Inc., is licensee, shall be on the KPOI Broadcasting Company, Inc.

It is further ordered, That Radio Hawaii, Inc., licensee of Station KPOA, Honolulu, Hawaii, is made a party to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, KPOI Broadcasting Company, Inc., and Radio Hawaii, Inc., pursuant to § 1.140 of the Commission rules, by attorney or appropriate corporate officer, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order; and

It is further ordered, That the Secretary of the Commission send a copy of this order by Registered Mail, Return Receipt Requested to the said KPOI Broadcasting Company, Inc.

Released: January 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-557; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket Nos. 13346, 13347; FCC 60M-87]

**DAVID L. KURTZ AND BANDYWINE
BROADCASTING CORP.**

Order Scheduling Hearing

In re applications of David L. Kurtz, Philadelphia, Pennsylvania, Docket No. 13346, File No. BPH-2774; Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13347, File No. BPH-2803; for construction permits (FM).

It is ordered, This 12th day of January 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1960, in Washington, D.C.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-558; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket No. 13345; FCC 60M-88]

SERVICE BROADCASTING CO.

Order Scheduling Hearing

In re application of Service Broadcasting Company, Concord, California, Docket No. 13345, File No. BP-12184; for construction permit.

It is ordered, This 12th day of January 1960, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on March 31, 1960, in Washington, D.C.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-559; Filed, Jan. 19, 1960;
8:49 a.m.]

[Docket No. 13350; FCC 60M-86]

HOWARD E. SETTLE

Order Scheduling Hearing

In the matter of Howard E. Settle, Hayward, California, Docket No. 13350; order to show cause why there should not be revoked the license for radio station WA-6792 aboard the vessel "Loafer".

It is ordered, This 12th day of January 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 31, 1960, in Washington, D.C.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-560; Filed, Jan. 19, 1960;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60-4—RI60-15]

BROWN & WHEELER ET AL.

**Order for Hearings and Suspending
Proposed Changes in Rates¹**

JANUARY 13, 1960.

In the matters of Brown & Wheeler, et al., Docket No. RI60-4; Odessa Natural Gasoline Company, Docket No. RI60-5; E. G. Rodman and W. D. Noel, Docket No. RI60-6; E. G. Rodman (Operator), et al., Docket No. RI60-7; Sohio Petroleum Company (Operator), et al., Docket No. RI60-8; L. R. French, Jr., (Operator), et al., Docket No. RI60-9; Republic Natural Gas Company, Docket No. RI60-10; Dorchester Corporation (Operator), Docket No. RI60-11; Southern California Petroleum Corporation, Docket No. RI60-12; Southern California Petroleum Corporation (Operator), et al., Docket No. RI60-13; Sunray Mid-Continent Oil Company, Docket No. RI60-14; Phillips Petroleum Company, Docket No. RI60-15.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas to El Paso Natural Gas Company subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Date tendered	Effective date unless suspended ²	Rate suspended until—	Cents per Mcf	
									Rate in effect ¹	Proposed increased rate
R160-4	Brown & Wheeler, et al.	7	2	(Spraberry Trend Field, Reagan County, Tex.)	12-11-59	12-14-59	1-14-60	6-14-60	11.0	17.2176
R160-5	Odessa Natural Gasoline Co.	1	4	(Spraberry Trend Field, Midland and Reagan Counties, Tex.)	12-16-59	12-17-59	1-17-60	6-17-60	11.0	17.2295
R160-6	E. G. Rodman and W. D. Noel.	1	4	(Spraberry Trend Field, Midland County, Tex.)	12-15-59	12-17-59	1-17-60	6-17-60	11.0	17.2295
R160-7	E. G. Rodman (Operator), et al.	4	17	(Spraberry Trend Field, Reagan County, Tex.)	12-16-59	12-18-59	1-18-60	6-18-60	11.1056	17.2295
R160-8	Sohio Petroleum Co. (Operator), et al.	45	12	(Spraberry Trend Field, Glasscock, Reagan, Upton and Midland Counties, Tex.)	Not dated	12-14-59	1-14-60	6-14-60	11.1056	17.2295
R160-9	L. R. French, Jr. (Operator), et al.	2	5	(Spraberry Trend Field, Reagan and Upton Counties, Tex.)	12-12-59	12-14-59	1-14-60	6-14-60	11.0	17.2295
	do.	3	3	(Spraberry Trend Field, Reagan County, Tex.)	12-11-59	12-16-59	1-16-60	6-16-60	14.1176	17.2295
	do.	4	7	do.	12-11-59	12-16-59	1-16-60	6-16-60	14.1176	17.2295
R160-10	Republic Natural Gas Co.	7	5	(Pegasus Field, Upton County, Tex.)	12-11-59	12-14-59	1-14-60	6-14-60	11.61545	17.2295
R160-11	Dorchester Corp. (Operator)	5	3	(Texon Plant, Reagan County, Tex.)	Not dated	12-16-59	1-16-60	6-16-60	11.0	17.0
R160-12	Southern California Petroleum Corp.	1	8	(Lea County, N. Mex.)	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
R160-13	Southern California Petroleum Corp. (Operator), et al.	20	6	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	21	6	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	22	6	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	23	6	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	24	5	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	25	7	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
	do.	26	5	do.	12-2-59	12-14-59	1-14-60	6-14-60	10.5406	15.5599
R160-14	Sunray Mid-Continent Oil Co.	64	6	(Monument Field, Lea County, N. Mex.)	12-11-59	12-14-59	1-16-60	6-16-60	13.3491	15.605
	do.	101	3	(Blinbery and Tubb Fields, Lea County, N. Mex.)	12-11-59	12-14-59	1-16-60	6-16-60	13.3491	15.605
	do.	142	3	(Blinbery Field, et al., Lea County, N. Mex.)	12-11-59	12-14-59	1-16-60	6-16-60	13.3470	15.605
	do.	94	7	(Slaughter Field, Hockley County, Tex.)	12-9-59	12-14-59	1-14-60	6-14-60	14.173	17.1147
	do.	81	11	(Spraberry Trend Field, Midland County, Tex.)	12-9-59	12-14-59	1-14-60	6-14-60	14.1182	17.2295
	do.	92	6	(Fullerton Field, Andrews County, Tex.)	12-9-59	12-14-59	1-14-60	6-14-60	14.173	17.2295
	do.	93	6	(Levelland Field, Hockley County, Tex.)	12-9-59	12-14-59	1-14-60	6-14-60	14.173	17.2295
R160-15	Phillips Petroleum Co.	359	9	(Winkler Gasoline Plant, Winkler County, Tex.)	12-11-59	12-14-59	1-14-60	6-14-60	10.19696	16.1536

¹ Pressure base is 14.65 psia.
² The stated effective dates are those requested by respondents, or the first day after expiration of statutory notice, whichever is later.
³ Rate of 13.984 cents per Mcf suspended in Docket No. G-19993.
⁴ Rate in effect subject to refund in Docket No. G-14623.
⁵ Rate of 13.984 cents per Mcf suspended in Docket No. G-19995.
⁶ Rate in effect subject to refund in Docket No. G-14622.
⁷ Rate in effect subject to refund in Docket No. G-14600.
⁸ Rate of 13.984 cents per Mcf suspended in Docket No. G-19725 until 3-29-60 (producer requests filing be treated as amendment of suspended supplement).
⁹ Rate in effect subject to refund in Docket No. G-14685.

¹⁰ Rate in effect subject to refund in Docket No. G-17347.
¹¹ Rate in effect subject to refund in Docket No. G-13311.
¹² Requests waiver of notice.
¹³ Subject to a charge of 0.4467 cents per Mcf for compression deducted by buyer.
¹⁴ Rate of 13.34802 cents per Mcf, suspended in Docket No. G-19485 until 3-1-60.
¹⁵ Rate in effect subject to refund in Docket No. G-14078.
¹⁶ Rate of 13.34802 cents in Docket No. G-19486.
¹⁷ Rate in effect subject to refund in Docket No. G-16472.
¹⁸ Rate suspended in Docket No. G-19090 until 1-15-60.
¹⁹ Rate in effect subject to refund in Docket No. G-16884.

In support of the increased rates, the producers cite the benefits to be gained by the elimination of the favored-nation clause and the extension of the contract term for twenty years. The producers also cite rising costs and the need of deeper drilling to discover gas, and further state that the proposed rates resulted from arm's-length bargaining and are in line with current field prices in the area as shown by the Commission's opinion in the Transwestern pipeline case.

The superseding rate schedule of Phillips Petroleum Company reflects Phillips' purchase of Rycade Oil Corporation's interest in the Kermit gasoline plant. The presently effective rate under Rycade's rate schedule is 10.1696 cents per Mcf and Rycade had filed for a favored-nation rate of 12.9627 cents per Mcf which rate was suspended in Docket No. G-19820 until March 24, 1960. Phillips now files for a renegotiated rate increase of 16.1536 cents per Mcf as authorized by an amendatory agreement eliminating the favored-nation clause and extending the term of the contract.

H. L. Brown states that its increased rates are not excessive when compared with other rates now in effect in the con-

tract area. Also it is felt that increased prices for casinghead gas are necessary to encourage the search for oil and gas and to compensate for steadily rising costs incident to such searches.

Republic Natural Gas Company states that its increased rates by eliminating the favored-nations provision, benefits El Paso and the consuming public since it will allow El Paso to determine for some period in the future the price it may expect to be paying for gas purchased in the Permian Basin area. The increased rate is fair, just and reasonable, and Republic believes that the Commission has sufficient testimony given in recent hearings to recognize the fact that costs of production and exploration of natural gas have increased at a greater rate than the average price of gas being sold by most companies subject to Federal regulation.

Sohio Petroleum Company alleges that its increased rate is just and reasonable and not in excess of current field prices approved by the Commission in the general area for new sales. It will enable El Paso to stabilize prices being paid in the Permian Basin area and delete the favored-nations provisions of the contract.

Dorchester Corporation states that an increased rate is supported by a cost-of-service study made by Dorchester and on file with the Commission. It is further pointed out that Big Lake Field is an old field, discovered in 1928, and that the casinghead gas produced is sour. Further, gas available to the plant will depend, to a large extent, on price, and without economic incentive, less maintenance and earlier economic abandonment can be expected.

Southern California Petroleum Corporation recites that its increased rate is not unreasonable and is, in fact, less than the going price in the area. It is a conservative price for the value of the gas and represents a lower price than the Commission has approved for comparable gas. It eliminates the favored-nation provision of the contract and extends the primary term of the initial contract.

Sunray Mid-Continent states that its increased rate is just and reasonable and in line with and no greater than the market value of said gas at point of delivery. Such rate is also consistent with the field prices being paid by interstate purchasers of gas for resale, and to deny or suspend said price would be un-

just and unduly discriminatory against applicant, since other independent producers are permitted to sell their gas at this or higher prices.

El Paso, by letter dated December 21, 1959, briefly comments on its renegotiation program and states that by such program of elimination of favored-nation and spiral escalation provisions, it seeks to place itself in a competitive position with others for the purchase of gas in its operating area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Hussey dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-524; Filed, Jan. 19, 1960; 8:45 a.m.]

[Docket No. E-6923]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JANUARY 13, 1960.

Take notice that on January 6, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company ("Applicant"), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of a maximum of 7,727 shares of its Common Stock as a 2 percent stock dividend to existing stockholders. Applicant does not propose to issue any fractional shares. Applicant's stockholders will have the option of buying the additional fractional interest required to make a full share or, in the alternative, to sell their fractional interest. Applicant states that the proposed stock dividend will have the beneficial effect of increasing the number of shares of Common Stock outstanding, thereby providing a broader market for Applicant's securities as an aid to future financing. In addition, Applicant states that the conservation of cash, compared to an increase in the cash dividend rate, will provide funds needed for additions and improvements to its property.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 1st day of February, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-523; Filed, Jan. 19, 1960; 8:45 a.m.]

[Docket No. G-17929]

EL PASO NATURAL GAS CO.

Notice of Postponement of Hearing

JANUARY 13, 1960.

Upon consideration of the request filed January 11, 1960, by Counsel for El Paso Natural Gas Company for postponement of the hearing now scheduled for January 26, 1960 in the above-designated matter;

The hearing now scheduled for January 26, 1960, is hereby postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-525; Filed, Jan. 19, 1960; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECTS NOS. 1099, 1697, AND 2027

Vacation of Withdrawals Under Section 24 of Federal Water Power Act and of Federal Power Act

JANUARY 12, 1960.

The Forest Service, United States Department of Agriculture, has requested the vacation of the withdrawal of land under section 24 of the Federal Power Act pursuant to the filing on March 5, 1940, of an application for license for

constructed minor Project No. 1697. The lands of the United States involved are described in the Commission's August 17, 1940 withdrawal notification letter as follows:

WILLAMETTE MERIDIAN, OREGON

All portions of the following sections lying within 10 feet of the center line of the intake, flume, pipe line, power house and transmission line locations as shown on a map designated Exhibit "F" and entitled "Hydroelectric Power Project of Lowell L. Hall, Summit Lodge, Cascade Summit, Oregon", and filed in the office of the Federal Power Commission on March 4, 1940:

T. 23 S., R. 6 E., sections 17 and 18 (unsurveyed).

The project, which was located on Trapper Creek, a tributary of Odell Lake, in Klamath County, Oregon, occupied approximately .61 acre of land of the United States within the Deschutes National Forest and had an installed horsepower capacity of about eight horsepower. The project was abandoned and dismantled. Surrender of the license for the project which was issued November 24, 1941, was accepted by order issued March 31, 1949, effective as of December 30, 1948.

The above-described lands had been previously reserved in connection with proposed Project No. 1099 and were further reserved by the subsequent filing of an application for license for proposed Project No. 2027, both to be located on Trapper Creek in Klamath County, Oregon, and affecting lands of the United States within the Deschutes National Forest.

Pursuant to the filing on June 4, 1930, of an application for license for proposed minor Project No. 1099—having an installed capacity of 25 horsepower—approximately three-tenths of an acre of land of the United States was reserved under the provisions of section 24 of the Federal Water Power Act and was described in the Commission's withdrawal notification letter of June 11, 1930, as follows:

WILLAMETTE MERIDIAN, OREGON

T. 23 S., R. 6 E., (unsurveyed) Sections 17 and 18

All lands lying within 10 feet of the center line of the flume and ditch, extending from the Southern Pacific Railroad bridge, 474 feet, to the power house, and a tract 50 feet by 80 feet adjacent to the power house, all as shown on a map designated "Exhibit F" and entitled "Hydro Electric Power Project of Allen Willcox, Summit Lodge—Odell Lake, Ore." and filed in the office of the Federal Power Commission June 4, 1930.

The licensee failed to comply with the terms of the license with respect to the dates fixed therein for beginning and completing construction of the project. Surrender of the license for the project which was issued August 7, 1930, was accepted March 17, 1933.

Pursuant to the filing on May 2, 1949, of an application for license for proposed Project No. 2027—having an installed capacity of 99 horsepower—approximately 1.4 acres of lands of the United States were reserved under the provisions of Section 24 of the Federal Power Act, portions thereof having been reserved previously in connection with Projects

Nos. 1099 and 1697. The lands were described in the Commission's March 29, 1950 withdrawal notification letter as follows:

WILLAMETTE MERIDIAN, OREGON

All portions of the following lands lying within 20 feet of the center line and ends of the dam, 10 feet of the high-water line of reservoir and sides of power house, and like distance from the center lines of water conduit and tailrace locations; as shown on map designated "Exhibit K" and entitled "Power Project of J. E. Badley, Odell Summit Lodge, Deschutes National Forest, Oregon" and filed in the office of the Federal Power Commission on May 2, 1949:

T. 23 S., R. 6 E.—what will be, in all probability when surveyed, within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, section 18.

The license for the project which was issued June 7, 1951, was terminated by order issued August 5, 1953, effective as of December 31, 1951. Construction of the project had not commenced and there was no immediate intention of developing the project.

The aforesaid proposed projects were located in their entirety within the Deschutes National Forest. The above-described lands reserved in connection with Projects Nos. 1099 and 1697 are wholly within Reservoir Site Reserve No. 16 created by Executive Order of March 28, 1924, as modified July 26, 1940, and the lands reserved in connection with Project No. 2027 are partly within said reserve.

Trapper Creek is a small tributary of Odell Lake located in the headwaters of the Deschutes River. The drainage area of the creek is approximately eight square miles. The limited size of the drainage area and lack of storage sites preclude the likelihood of any appreciable amount of power being developed thereon.

The Commission finds: Inasmuch as the above-described lands have negligible value for purposes of power development, the existing withdrawals under Section 24 of the Federal Water Power Act and of the Federal Power Act serve no useful purpose and vacation of the withdrawals is in the public interest.

The Commission orders: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Water Power Act and of the Federal Power Act pursuant to the filing of the applications for licenses for minor Projects Nos. 1099, 1697, and 2027 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-526; Filed, Jan. 19, 1960;
8:45 a.m.]

[Docket Nos. G-9548, etc.]

MURPHY CORP. ET AL.

Order Severing Proceedings and Granting Motion for Consolidation

JANUARY 12, 1960.

In the matters of Murphy Corporation, et al., Docket Nos. G-9548, G-9550, G-

11366, G-11367, G-13428, G-16613, G-16328, G-19762; Murphy Corporation, Docket Nos. G-11160, G-13429, G-13432, G-16614, G-19761; Murphy Corporation (Operator), et al., Docket No. G-16323; Murphy Corporation, Docket No. G-18357.

The above-entitled consolidated matters (Docket Nos. G-9548, et al.) are presently under consideration by the presiding examiner, the hearings having been concluded on October 7, 1959. In re-examining the matters involved in Docket Nos. G-9548, et al., we have found that, in the proceedings involved in Docket Nos. G-16323 and G-16328, the only portions of those proposed increased rates subject to refund were the tax portions thereof pertaining to the Louisiana State gathering tax. The Commission is advised that litigation has been instituted to challenge the constitutionality of the aforesaid tax. Therefore, the issues involved in Docket Nos. G-16323 and G-16328 cannot be decided by the presiding examiner.

On December 7, 1959, Murphy Corporation (Murphy) filed a motion to consolidate the proceedings involved in Docket Nos. G-19761, G-19762, and G-16614 in the above-consolidated proceedings. In support of its motion for consolidation, Murphy states that each of the proceedings sought to be consolidated involves an annual escalation over and above those involved in Docket Nos. G-9548, G-11366, G-13428, and G-13429.

In addition, Murphy states that, inasmuch as the above-captioned proceedings involve a 5(a) investigation, it is apparent that the dockets requested to be consolidated relate to the same matters presently under consideration by the presiding examiner, and their ultimate determination will be based on the same or similar questions of fact and law. It is noted that the proceeding in Docket No. G-16614 has previously been consolidated with the proceedings in Docket Nos. G-9548, et al. by our order issued April 28, 1959.

The Commission finds:

(1) Good cause exists for severing the proceedings involved in Docket Nos. G-16323 and G-16328 from the above-captioned proceedings.

(2) Good cause exists for granting Murphy's motion for consolidation of the proceedings involved in Docket Nos. G-19761 and G-19762 with the previously consolidated proceedings in Docket Nos. G-9548, et al. for determination by the presiding examiner.

The Commission orders:

(A) The proceedings involved in Docket Nos. G-16323 and G-16328 are hereby severed from the previously consolidated proceedings in Docket Nos. G-9548, et al.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), the suspension proceedings in Docket Nos. G-19761 and G-19762 are hereby consolidated in the previously consoli-

dated proceedings in Docket Nos. G-9548, et al. for purpose of determination by the presiding examiner.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-527; Filed, Jan. 19, 1960;
8:45 a.m.]

[Docket No. G-19917]

TEXACO, INC.

Order Permitting Superseding Rate Filing, Providing for Hearing and Suspending Proposed Change in Rate

JANUARY 13, 1960.

Texaco, Inc. (Texaco) on December 15, 1959, tendered for filing a proposed change to its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes and increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser and producing area: Gas Gathering Corporation (Happytown Field, St. Martin Parish, La.).

Rate schedule designation: Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122.

Effective date: January 15, 1960 (stated effective date is that proposed by Texaco).

Rate in effect: 15.0 cents per Mcf.

Proposed increased rate: 21.05 cents per Mcf (15.025 psia pressure).

Texaco request that this filing supersede a prior proposed increased rate contained in Supplement No. 3 to Texaco's FPC Gas Rate Schedule No. 122. That supplement and others were suspended until April 1, 1960, by Commission order issued October 23, 1959, in this proceeding. Because Supplement No. 3 is now being superseded and will therefore never become effective, this proceeding will henceforth be concerned with Supplement No. 4¹ rather than No. 3 to Texaco's FPC Gas Rate Schedule No. 122.

The proposed increased rate is contained in a renegotiated agreement under a contract dated October 22, 1954. The renegotiated agreement eliminates a revenue-sharing provision and establishes instead a new set of periodic rate increases. In support of the proposed rate Texaco submits copies of the renegotiated agreement and states that all provisions of the contract were negotiated at arm's length and the proposed rate is necessary partially to compensate seller for increasing costs. Texaco also states that one of its two wells in the Happytown Field has been abandoned and the remaining well has a limited predicted life. Texaco states additionally that the increased price is just and reasonable and necessary to encourage exploration and development.

The increased rate and charge so proposed has not been shown to be justified,

¹ And Supplement Nos. 7, 1, and 7 to Texaco's FPC Gas Rate Schedule Nos. 5, 200, and 4, respectively.

and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Permission should be granted for the filing of Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122 to supersede Supplement No. 3.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the said proposed change and the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Permission is hereby granted for the filing of Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122 to supersede Supplement No. 3.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 122.

(C) Pending such hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until June 15, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-528; Filed, Jan. 19, 1960; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FARMERS AND MECHANICS TRUST CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Farmers and Mechanics Trust Company, Childress, Texas, for prior approval of acquisition of voting shares of The First National Bank, Paducah, Texas.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), application on behalf of the Farmers and Mechanics Trust Company, Childress, Texas, for the Board's

prior approval of the acquisition of 5 per cent (150 shares) of the outstanding voting shares of The First National Bank, Paducah, Texas; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on December 5, 1959 (24 F.R. 9801); said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections to or comments upon the statements of fact and conclusions reached in the Tentative Statement; and the time for filing such objections and comments having expired and comments received having been duly considered;

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that the said application by Farmers and Mechanics Trust Company for approval of the acquisition of 5 per cent of the outstanding voting shares of The First National Bank, Paducah, Texas, be and hereby is granted and approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 13th day of January 1960.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-529; Filed, Jan. 19, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 111]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 15, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

² Dissenting statement of Governors Szymczak and Robertson filed as part of the original document.

in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-36436 (Deviation No. 1) MOLAND BROS. TRUCKING COMPANY, 2502 West Huron Street, Duluth 6, Minnesota, filed January 7, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hudson, Wis., over Interstate Highway 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire over U.S. Highway 12.

No. MC-43654 (Deviation No. 1) DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Box 750, Akron 9, Ohio, filed January 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of relocated U.S. Highway 42 and Old U.S. Highway 42 northeast of Waynesville, Ohio, over relocated U.S. Highway 42 to junction Old U.S. Highway 42, southwest of Waynesboro, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the points of deviation and return over Old U.S. Highway 42.

No. MC-48958 (Deviation No. 1) ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colorado, filed January 7, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over U.S. Highway 287 to Stratford, Tex., via Lamar, Colo., and Boise City, Okla., thence over U.S. Highway 54 to Dalhart, Tex., thence over Texas Highway 51 to Hereford, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 85 to Springer, N. Mex., thence over U.S. Highway 56 to Abbott, N. Mex., thence over New Mexico Highway 39 to Grady, N. Mex., thence over New Mexico Highway 18, to Clovis, N. Mex., thence over U.S. Highway 60 to Hereford, and return over the same route.

No. MC-52709 (Deviation No. 3) RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colorado, filed January 7, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 6 about 3 miles south of Gretna, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently au-

thorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 via Sterling, Colo., and Hastings, Nebr., to Omaha and return over the same route.

No. MC-69224 (Deviation No. 1) H. & W. MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa, filed January 6, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Rockford, Ill., over Illinois Highway 2 or U.S. Highway 51 to Beloit, Wis., thence over Wisconsin Highway 13 to Madison, Wis., thence over U.S. Highway 12 to Eau Claire, Wis., thence over Interstate Highway 94 to junction U.S. Highway 12, and thence over U.S. Highway 12, to Minneapolis, Minn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Rockford and Minneapolis over the following pertinent service route: From Rockford over U.S. Highway 20 to Dubuque, thence over U.S. Highway 52 to Minneapolis and return over the same route.

No. MC-105807 (Deviation No. 4) RED BALL TRANSFER CO., 527 South 21st Avenue, Omaha, Nebraska, filed January 4, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over city streets to 72nd and L Streets, thence over L Street to its junction with Interstate Highway 80 near Millard, Nebr., also from Omaha over city streets to intersections of certain city streets in Omaha and Interstate Highway 80, and also from Omaha over city streets to the city limits of Omaha, thence over extensions of certain city streets located outside of the city limits of Omaha, to the intersection of said extended city streets and Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 6, near Gretna, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha over U.S. Highway 6 to Lincoln, Nebr., and return over the same route.

No. MC-111594 (Deviation No. 1) CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, P.O. Box 200, Wisconsin Rapids, Wis., filed January 6, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hudson and Eau Claire, Wis., over U.S. Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Hudson and Eau Claire, over U.S. Highway 12.

No. MC-1501 (Deviation No. 44) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed December 31, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From the junction of U.S. Highway 40 and Interstate Highway 70 about 1 mile west of Kirkersville, Ohio, over Interstate Highway 70 to junction U.S. Highway 40 about 1 mile east of Brownsville, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Pittsburgh, Pa., over unnumbered highway to junction U.S. Highway 19, thence over U.S. Highway 19, to Washington, Pa., thence over U.S. Highway 40 via Springfield, Ohio to Brandt, Ohio, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-541; Filed, Jan. 19, 1960;
8:47 a.m.]

[Notice 305]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 15, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 873 (Sub No. 35), filed November 27, 1959. Applicant: SOONER FREIGHT LINES, a corporation, 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster and plaster board*, between Southard, Okla., and points in Kansas. Applicant is authorized to conduct operations in Colorado, Kansas, Oklahoma and Texas.

NOTE: Common control may be involved.

HEARING: March 1, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Joint Board No. 39 or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 1184 (Sub No. 17), filed December 28, 1959. Applicant: GEORGE F. BURNETT COMPANY, INC., P.O. Box 2538, South Bend, Ind. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Air car vehicles*, and *parts and accessories* thereof when accompanying the above-described vehicles, between South Bend, Ind., on the one hand, and, on the other, points in the United States, including Alaska; and (b) *trailers*, designed for the transportation of air car vehicles, when accompanying such air car vehicles, between South Bend, Ind., on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States except Alaska, Arkansas, Colorado, Idaho, Montana, Nevada, New Mexico, Texas, Washington, and Wyoming.

HEARING: March 7, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 6150 (Sub No. 9), filed November 5, 1959. Applicant: GEORGE B. DUNN, 602 West Randolph, Enid, Okla. Applicant's attorney: Milton W. Hardy, 807 Ritz Building, Tulsa 3, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass articles*, namely, *glass bottles*, and *jars*, not exceeding one gallon capacity; *fruit jar tops*, and *covers* for same; *jelly glasses*, *jelly tumblers*, *glass tumblers* in boxes, barrels, crates, carriers or cartons; minimum weight, 20,000 pounds; (1) from Sapulpa, Okla., to Bismarck, Devils Lake, Fargo, Grand Forks, East Fairview, Hettinger, and Valley City, N. Dak.; (2) from Sapulpa, Okla., to Aberdeen, Belle Fourche, Huron, Mitchell, Moberly, Rapid City, Sioux Falls, Watertown, and Yankton, S. Dak. *Rejected shipments* of the above-specified commodities from the destination points specified in (1) and (2) above to Sapulpa, Okla. *Glassware and related items*, namely, *glass bottles*, *jars*, *jelly glasses* and *losures* for such items, from Sand Springs, Okla., to points in South Dakota and North Dakota, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct regular route operations in Kansas, Oklahoma, and Texas, and irregular route operations in Arkansas, Kansas, Louisiana, Oklahoma, and Texas.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 6150 (Sub No. 7).

HEARING: February 26, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 49368 (Sub No. 83), filed September 28, 1959. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, *bodies*, and *parts* thereof, and *trucks*, *chassis*, *bodies*, *cabs* and *parts* thereof, in truckaway and driveway

service, in initial movements, from the plant site of Chevrolet Motor Division of General Motors Corporation at Norwood, Ohio, to points in Alabama, Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations throughout the United States.

NOTE: Common control may be involved.

HEARING: February 24, 1960, at the U.S. Customs Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 50069 (Sub No. 221), filed December 10, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid molasses*, in bulk, in tank vehicles, from Toledo, Ohio to points in Indiana and Michigan. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: February 25, 1960, at the U.S. Customs Building, 100 West Larned Street, Detroit, Mich., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 50132 (Sub No. 53), filed December 7, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, ground, in bags or containers, from the plant sites of International Minerals and Chemical Corp., Kona and Spruce Pines, N.C., to points in Illinois, Missouri, and Arkansas.

NOTE: Applicant is authorized to conduct operations as a *contract carrier* in Permit MC 50132 and sub numbers thereunder; a proceeding has been instituted under section 212(c) in No. MC 50132 Sub No. 38, to determine whether applicant's status is that of a *common or contract carrier*.

HEARING: March 1, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 52657 (Sub No. 581), (CLARIFICATION), filed November 2, 1959, published FEDERAL REGISTER, issue of December 16, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air Car Vehicles*, in initial and secondary truckaway service, *parts and accessories thereof*, when moving at the same time with above-described vehicles, from South Bend, Ind., to points in the United

States, including Alaska; and (2) *Trailers*, designed for the transportation of Air Car Vehicles, in initial and secondary truckaway service, *parts and accessories thereof*, when moving at the same time with above-described vehicles, between South Bend, Ind., and points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

NOTE: The application as originally published reflected the commodities proposed to be transported as *automotive vehicles*. This republication also eliminates the 5-mile radius of South Bend, Ind., originally requested.

HEARING: March 7, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 52858 (Sub No. 80), (CLARIFICATION), filed November 6, 1959, published in FEDERAL REGISTER issue of December 23, 1959. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Ore. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, busses and chassis*, in truckaway service, in secondary movements; between points in Utah and Wyoming.

NOTE: The purpose of this republication is to clarify the proposed operations sought as between points in Utah and Wyoming.

HEARING: Remains as assigned January 25, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52978 (Sub No. 20), filed October 29, 1959. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from Midland, Mich., to points in Ohio, Indiana, Kentucky, Illinois, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania.

NOTE: A proceeding has been instituted in No. MC 52978 (Sub No. 15) under section 212(c) to determine whether applicant's status is that of a *common or contract carrier*. Applicant also has authority as a *common carrier* under Docket No. MC 85934 Subs 1, 3, and 7. Dual authority under section 210 may be involved. Any duplication with present authority to be eliminated.

HEARING: February 26, 1960, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 66836 (Sub No. 8), filed August 17, 1959. Applicant: V. D. TURNER, doing business as TURNER TRANSFER, P.O. Box 358, Floydada, Tex. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal*, in bulk and in bags, *cottonseed meal and cottonseed*

cake, in bulk and in bags, from points in Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeeman, Foard, Wilbarger, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Baylor, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Martin, Howard, Mitchell, and Nolan Counties, Tex., to points in Oklahoma. Applicant is authorized to conduct operations in Oklahoma, Texas, Colorado, and New Mexico.

HEARING: March 1, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Joint Board No. 16 or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 83539 (Sub No. 55), filed September 25, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mowing, cutting, shredding and earth-moving tractor attachments*, from Tulsa, Okla. to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to Tulsa for repair or reconditioning, and which are used for advertising or display purposes. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, Arizona, Iowa, New Jersey, New York, Utah, West Virginia, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Nevada, Pennsylvania, Montana, Wyoming, Tennessee, Ohio, Oregon, Washington, Minnesota, and Michigan.

HEARING: February 29, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 88300 (Sub No. 25), filed December 15, 1959. Applicant: DIXIE TRANSPORT COMPANY, a corporation, Whitley City, Ky. Applicant's attorney: George C. Young, Suite 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive air car vehicles and parts and accessories thereof*, when moving with the same vehicles described above, in initial movements, by truckaway service, from South Bend, Ind., and five miles thereof, to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Alabama. Applicant is authorized to conduct operations in Florida, Georgia, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, and Tennessee.

NOTE: An "Air car" is a wheel-less vehicle to be propelled by motor devices.

HEARING: March 7, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 101075 (Sub No. 59), filed January 11, 1960. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and salt compounds*, from Williston, N. Dak., and points within 10 miles thereof, to points in South Dakota, Montana, Wyoming, Nebraska, Minnesota, and Iowa, and *rejected shipments* of the above-described commodities on return.

HEARING: February 3, 1960, at the North Dakota Public Service Commission-Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 103435 (Sub No. 88), filed November 23, 1959. Applicant: BUCKINGHAM FREIGHT LINES, a corporation, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Williston, N. Dak., and points within five miles thereof, to points in Montana, Wyoming, Nebraska, South Dakota, Iowa, Colorado, and Wisconsin on and west of Wisconsin Highway 13. Applicant is authorized to conduct operations in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: February 3, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 107107 (Sub No. 126), filed September 8, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, and (2) *articles distributed by meat packing houses*, as defined by the Commission, from Detroit, Mich., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 23, 1960, at the U.S. Customs Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 107698 (Sub No. 25), filed October 19, 1959. Applicant: BONANZA, INC., Southeast 28th Street and Sooner Road, Midwest City, Okla. Applicant's attorney: W. T. Brunson, Leonardt Building, Oklahoma City, Okla. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, (1) from points in Oklahoma to points in Utah, Idaho, Oregon, and Washington, and (2) from points in Utah, Idaho, Oregon, and Washington to points in Oklahoma, Arkansas, New Mexico, Kansas, and Texas. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Washington.

HEARING: March 7, 1960, at the Federal Building Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 109435 (Sub No. 9) filed October 12, 1959. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cement*, in bags or packages, from Ada and Dewey, Okla., and points within two (2) miles of each, to points within 200 miles of Ada and Dewey, Okla. Applicant is authorized to conduct operations in Oklahoma, Kansas, Arkansas, Texas, Missouri, and Louisiana.

HEARING: February 25, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 109682 (Sub No. 26), filed December 11, 1959. Applicant: BOLINDRIVE-A-WAY CO., a corporation, 26400 Lakeland Boulevard, Cleveland, Ohio. Applicant's attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air car vehicles and parts and accessories thereof* when accompanying above-described vehicles, between South Bend, Ind., and points within five (5) miles thereof, on the one hand, and on the other, all points in the United States, including Alaska. (2) *Trailers* designed for the transportation of Air car vehicles when accompanying such air car vehicles, between South Bend, Ind., on the one hand, and, on the other, all points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states as follows: While the *Air Car*, to be manufactured by Curtiss-Wright Corporation, South Bend Division at South Bend, is a wheel-less vehicle, it is propelled by motor devices and is, therefore, believed by applicant to constitute a motor vehicle. If so, it would also be an automobile or a truck depending upon its designated use. Applicant states it presently holds appropriate authority to transport both automobiles and trucks, in initial movements, in driveway and truckaway service, from South Bend, Ind., to points in Delaware, District of Columbia, Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and that no duplicating authority is sought.

HEARING: March 7, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 111401 (Sub No. 110), filed August 5, 1959. Applicant: GROEN-

DYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, from points in Oklahoma, to points in Alabama, Kentucky, Louisiana, Mississippi and Tennessee, and *rejected shipments* on return. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: February 23, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 113646 (Sub No. 3), filed October 12, 1959. Applicant: JEFFERSON TRUCKING COMPANY, a corporation, 440 Lake Street, Tawas City, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing, and insulating materials, asbestos, cement, gypsum, lime, and limestone products*, from the sites of the National Gypsum Company plant, located at or near Lorain, Ohio to points in Indiana, Ohio, Michigan, points in Will, Du Page, Cook, and Lake Counties, Ill., points in Chautauqua, Erie, and Niagara Counties, N.Y., points in Greene, Fayette, Washington, Westmoreland, Allegheny, Beaver, Armstrong, Indiana, Lawrence, Butler, Mercer, Venango, Clarion, Jefferson, Crawford, and Erie Counties, Pa., and those in Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Gilmer, Harrison, Hancock, Jackson, Kanawha, Lincoln, Lewis, Mason, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Wayne, Wetzel, Wirt, and Wood Counties, W. Va.; and *Materials and supplies* used in the manufacture and distribution of the above-described commodities, and *skids and pallets*, from the above-specified destination points to Lorain, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: February 26, 1960, at the U.S. Customs Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 114486 (Sub No. 3), filed November 20, 1959. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 2902 Lester Street, Texarkana, Tex. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate fertilizer*, in bulk or in bags, from Sterlington, La., to points in Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, and Oklahoma.

HEARING: February 2, 1960, at the Federal Office Building, 600 South Street,

New Orleans, La., before Examiner John B. Mealy.

No. MC 114890 (Sub No. 18), filed July 8, 1959. Applicant: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE & CHEMICAL TRANSPORT CO., 2209 Range Line, Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid, sulphuric acid, and spent acids*, in bulk, in tank vehicles, between Tulsa and Bartlesville, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, Arkansas, and Iowa. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 86928 (Sub No. 29) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

HEARING: February 24, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 114890 (Sub No. 21), filed November 30, 1959. Applicant: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE & CHEMICAL TRANSPORT CO., 2209 Range Line, P.O. Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P.O. Box 578, Joplin, Mo. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid, nitric acid, sulphuric acid, and nitrogen fertilizer solutions*, in bulk, in tank vehicles, between Atlas, Mo., on the one hand, and, on the other, points in Illinois, Tennessee, and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 86928 (Sub No. 29) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

HEARING: February 24, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 114890 (Sub No. 22), filed December 21, 1959. Applicant: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE & CHEMICAL TRANSPORT CO., 2209 Range Line, P.O. Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P.O. Box 578, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, in tank vehicles, between the plant of the Phillips Petroleum Co. at or near Etter, Texas, on the one hand, and, on the other Atlas, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, In-

diana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: Section 210 dual operations may be involved. Applicant holds contract carrier authority in Permit No. MC 86928 (Sub No. 29).

HEARING: March 3, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 334, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 115036 (Sub No. 12), filed October 26, 1959. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City, 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from Tulsa, Okla., to points in Kansas and Nebraska, and *empty containers or other such incidental facilities* used in transporting dry fertilizer, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

HEARING: March 2, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Joint Board No. 307 or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 117765 (Sub No. 8), filed July 27, 1959. Applicant: HAHN TRUCK LINE, INC., 210 East Sixth Street, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials* (ammonia phosphate fertilizer compounds), dry, in bulk and in paper bags, from Tulsa, Okla., and points within five (5) miles thereof, to points in Missouri. Applicant is authorized to conduct operations in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

HEARING: March 2, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Joint Board No. 180, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 117933 (Sub No. 1), filed August 10, 1959. Applicant: LOUIS G. PARIS, Box "O", Krebs, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Omaha, Nebr., Kansas City, St. Louis, and St. Joseph, Mo., and Belleville, Ill., to McAlester, Krebs, Poteau, Durant, and Hugo, Okla., and *empty containers or other such incidental facilities* used in transporting beer and malt beverages, on return.

HEARING: February 26, 1960, at the Federal Building, Oklahoma City, Oklahoma, before Examiner Walter R. Lee.

No. MC 119107 (Sub No. 1), filed October 26, 1959. Applicant: CENTRAL BANANA COMPANY, INC., 1302 Revere Street, Flint, Mich. Applicant's representative: C. L. Athanson, 2262 National

Bank Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat germ*, from Saginaw, Mich., to Jacksonville, Miami, and Tampa, Fla., Atlanta, Ga., Birmingham, Ala., and New Orleans, La.

HEARING: February 24, 1960, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 119173 (Sub No. 2), filed October 9, 1959. Applicant: WILLIAM LEES JACKSON AND JOHN DOUGLAS JACKSON, a partnership, doing business as JACKSON'S TRUCKING, R.R. No. 2, Fraser Road, Leamington, Ontario, Canada. Applicant's attorney: Larry A. Eskilsen, 501 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, refractories, and pottery*, from Malvern, Massillon, Midvale, Mogadore, Parrel, Rosville, and Strasburg, Ohio, and Clearfield, Pa., to the Port of Entry on the boundary between the United States and Canada at Niagara Falls, N.Y., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: February 23, 1960, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Sub No. 175), filed December 10, 1959. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Raymond H. Warns, The Greyhound Corporation (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Milwaukee, Wis., and Chicago, Ill., from Milwaukee over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to junction Illinois Highway 137, thence over Illinois Highway 137 to junction U.S. Highway 41, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states it proposes to tack this authority, if granted, to its present authority at both Milwaukee and the junction of Illinois Highway 137 and U.S. Highway 41, and that it is presently authorized to operate between Chicago and Milwaukee over U.S. Highway 41.

HEARING: March 1, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1601), filed December 15, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York

17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Boston, Mass., and Framingham, Mass., from Boston over Massachusetts Highway 9 to junction Massachusetts Highway 16, thence over Massachusetts Highway 16 to Wellesley, Mass., thence over Massachusetts Highway 135 to Framingham, and return over the same route, serving the intermediate point of Wellesley, Mass. The application indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1610), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, limited to transportation of express shipments having a prior or subsequent haul by rail or air, between Shawano, Wis., and Wittenberg, Wis.: from Shawano over Wisconsin Highway 22 to junction U.S. Highway 45, and thence over U.S. Highway 45 to Wittenberg, and return over the same route, serving the intermediate points of Clintonville and Tigerton, Wis., and the off-route point of Marion, Wis.

No. MC 66562 (Sub No. 1612), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, limited to the transportation of express shipments having a prior or subsequent haul by rail or air, between Platteville, Wis., and Fennimore, Wis., as follows: from Platteville over Wisconsin Highway 81 to Lancaster, Wis., and return over the same route; and from Lancaster over U.S. Highway 61 to Fennimore, thence over U.S. Highway 18 to junction Wisconsin Highway 80, and thence over Wisconsin Highway 80 to Platteville, serving the intermediate points of Lancaster, Fennimore, Montfort, and Livingston, Wis.

NOTE: Applicant states the proposed authority is applied for to tack the route to its existing authority between Galena, Ill., and Platteville, Wis., in MC 66562 Sub 270;

applicant also states the proposed transportation will be in both directions between Platteville and Lancaster, and to make no return trips via Livingston, Montfort, and Fennimore.

No. MC-66562 (Sub No. 1613), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Portage, Wis., and Richland Center, Wis., from Portage over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 18 to junction Wisconsin Highway 23, thence over Wisconsin Highway 23 to junction Wisconsin Highway 130, thence over Wisconsin Highway 130 to Lone Rock, (also from Portage over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to Lone Rock), thence over U.S. Highway 14 to Richland Center, and return over the same route, serving the intermediate points of Poynette, Arlington, Madison, Verona, Mt. Horeb, Barneveld, Ridgeway, and Lone Rock, Wis., and the off-route points of Lodi, Dane, Dodgeville, and Waunakee, Wis. The application indicates the service to be performed by applicant will be limited to such as is auxiliary to, or supplemental of, rail, or air express service; and the shipments to be transported will be limited to those moving under Railway Express Agency, Incorporated tariffs, on a Railway Express Agency, Inc. receipt, or waybill, covering, in addition to motor carrier movement, an immediately prior, or immediately subsequent movement by rail, or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1614), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities including Classes A and B explosives*, moving in express service, between Wisconsin Dells, Wis., and Norwalk, Wis., from Wisconsin Dells over Wisconsin Highway 23 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to junction Wisconsin Highway 80, thence over Wisconsin Highway 80 to junction Wisconsin Highway 71, thence over Wisconsin Highway 71 to Norwalk, and return over the same route, serving the intermediate points of Reedsburg, La Valle, Wonewoc, Union Center, Elroy, Kendall, and Wilton, Wis. The application indicates the service to be performed by applicant will be limited to such as is auxiliary to, or supplemental of, rail, or air express service; and the shipments to be transported will be limited to those moving under Railway Express Agency, Incorporated tariffs on a Railway Express Agency, Inc. receipt, or waybill, covering, in addition to motor carrier movements, an immediately prior

or an immediately subsequent movement by rail, or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1615), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Beloit, Wis., and Janesville, Wis., from Beloit over U.S. Highway 51 to Janesville, and return over the same route, serving no intermediate points. The application indicates the service to be performed by applicant will be limited to such as is auxiliary to, or supplemental of, rail, or air express service; and the shipments to be transported will be limited to those moving under Railway Express Agency, Incorporated tariffs on a Railway Express Agency, Inc., receipt, or waybill, covering, in addition to motor carrier movement an immediately prior, or immediately subsequent movement by rail, or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Authority is applied for to tack the above-described route to applicant's existing authority between Janesville and Fort Atkinson in MC 66562 (Sub No. 146), and between Janesville and Janesville-Loop in MC 66562 (Sub No. 1448).

No. MC 66562 (Sub No. 1616), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Green Bay, Wis., and Escanaba, Mich., from Green Bay over U.S. Highway 41 to Escanaba, and return over the same route, serving the intermediate points of Big Suamico, Pensaukee, Oconto, Peshtigo, and Marinette, Wis., and Menomonie, Stephenson, Carney, Powers, and Bark River, Mich., and the off-route point of Little Suamico, Wis. The applications indicate the service to be performed will be limited to such as is auxiliary to, or supplemental of, rail, or air express; and that the shipments to be transported will be limited to those moving under Railway Express Agency, Incorporated tariffs on a Railway Express Agency, Inc., receipt, or waybill, covering, in addition to motor carrier movements, an immediately prior, or an immediately subsequent movement by rail, or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1617), January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower,

Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Fond du Lac, Wis., and Almond, Wis., from Fond du Lac over Wisconsin Highway 23 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction county road J, thence over county road J to Almond, and return over the same route, serving the intermediate points of Princeton, Neshkoro and Wautoma, Wis., and the off-route points of Eldorado and Rosendale, Wis. The application indicates the service to be performed by applicant will be limited to such as is auxiliary to, or supplemental of, rail, or air express service; and the shipments to be transported will be limited to those moving under Railway Express Agency, Incorporated, tariffs on a Railway Express Agency, Inc. receipt, or waybill, covering, in addition to motor carrier movement an immediately prior, or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1619), filed January 10, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Classes A and B explosives*, moving in express service, serving Hudson, Wis., as an intermediate point in connection with applicant's authorized regular route operations between St. Paul, Minn., and Ellsworth, Wis., over Wisconsin Highway 35. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, railway express or air express services. All interstate shipments transported by said carrier shall be limited to those moving under Railway Express Agency tariffs on a Railway Express Agency receipt or waybill covering in addition to motor carrier movements by said carrier an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 110354 (Sub No. 4), filed January 7, 1960. Applicant: V. KAP TRUCKING, INC., 486 Richmond Street, Painesville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump equipment and unit containers, from Fairport Harbor, Ohio, to points in that part of New York on and west of New York Highway 57, from Oswego to Syracuse, thence U.S. Highway 11 to the New York-Pennsylvania State line, points in that part of Pennsylvania on and west of U.S. Highway 11 from the said State line to

Harrisburg, Pa., thence via U.S. Highway 111 to the Pennsylvania-Maryland State line; points in the Lower Peninsula of Michigan, that part of Indiana on and north of U.S. Highway 40, and points in Kentucky and West Virginia, and *empty containers or other such incidental facilities* used in transporting coke, and *returned shipments* of coke, on return. Applicant is authorized to conduct operations in Ohio, New York, Pennsylvania, West Virginia, Kentucky, and Indiana.

No. MC 111720 (Sub No. 3), filed January 4, 1960. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, doing business as WILLIAMS TRUCK SERVICE, 300 South Cleveland Avenue, Sioux Falls, S. Dak. Applicant's attorney: Theodore M. Bailey, 613 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate, sodium metasilicate*, from Chicago, Ill., *laundry alkalis, soaps, powdered bleaches, dry cleaners' soaps and spot-ers, modified soda*, dry, from Chicago Heights, Ill., *sodium aluminate (alum)*, from East St. Louis, Ill., *sodium phosphates, laundry soaps*, from Joliet, Ill., *garment hangers, trouser guards, wire*, from Peoria, Ill., *sodium silicate*, liquid, from Utica, Ill., *sodium silicate*, dry, from Anderson, Ind., *laundry soaps*, commercial, from Hammond and Jeffersonville, Ind. and Kansas City, Kans., *soda ash, calcium chloride, caustic soda, modified sodas, sodium bicarbonate, ammonium chloride*, from Detroit, Mich., *starch*, dry, from Harbor Beach, Mich., *calcium chloride*, from Ludington, Mich., *sodium phosphate*, from Trenton, Mich., *modified soda*, dry, *laundry alkalis*, from Wyandotte, Mich., *garment hangers, trouser guards*, from Kansas City, Mo., *soda ash, calcium chloride, caustic soda, modified sodas, sodium bicarbonate*, from Barberton, Ohio, *soda ash, sodium silicate*, dry, *sodium metasilicate*, from Painesville, Ohio, *calcium chloride, soda ash, sodium nitrite, caustic soda*, from Solvay, N.Y., and *liquid chlorine and liquid ammonia*, in cylinders, and *liquid bleach and sulphuric acid*, in carboys, from Hudson, Wis., all of the foregoing in containers or in bulk, from the above-specified origin points, to points in Buena Vista, Cherokee, Clay, Dickenson, Emmett, O'Brien, Osceola, Sioux, Wapello, and Woodbury Counties, Iowa, Cottonwood, Jackson, Lac Qui Parle, Lyon, Martin, Murray, Nobles, Pipestone and Rock Counties, Minn., and Brookings, Davison, Grant, Lake, and Yankton Counties, S. Dak., and *empty cylinders* used in transporting liquid chlorine and liquid ammonia, and *empty carboys*, used in transporting liquid bleach and liquid sulphuric acid, from Sioux Falls, S. Dak., to Hudson, Wis. Applicant is authorized to conduct operations from and to specified points in West Virginia, Ohio, South Dakota, Pennsylvania, Minnesota, Iowa, Nebraska, and Bristol, Virginia-Tennessee.

NOTE: Applicant indicates the proposed transportation will be under contract with the Richards-Ewing Chemical Co., Sioux Falls, S. Dak.

No. MC 114614 (Sub No. 8), filed January 6, 1960. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 112 Chitwood Avenue, NE., Fort Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually manufactured, processed, or dealt in by rubber and rubber products manufactures, and empty textile cones*, from Akron, Ohio, to points in Tennessee, and *returned or rejected shipments* of the above specified commodities, on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket MC 114614 (Sub No. 5).

No. MC 119391, filed December 30, 1959. Applicant: AJAX TRANSFER COMPANY, a corporation, 550 East Fifth Street South, South St. Paul, Minn. Applicant's attorney: Robert O. Sullivan, E-901 First National Bank Building, Saint Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All dairy products and packing house products, equipment, materials and supplies including canning factory supplies*, from South St. Paul, Minn., to all points in Minnesota.

NOTE: Applicant states that he is presently performing the same service for Armour & Company on an intrastate basis; that the transportation covered by this application will be the terminal transportation of interstate shipments consigned to Armour and Company distribution points; that such shipments pass through Armour and Company facilities in South St. Paul, Minn., and are there broken down for final distribution to the above mentioned destination points; that said transportation by applicant will be wholly within the state of Minnesota; that the products transported may be intermingled with other commodities which are being shipped by Armour and Company in intrastate commerce.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Sub No. 179), filed January 12, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between San Bernardino, Calif., and Devore Junction, Calif.: re-establish Regular Route No. 257 (Sheet 48) over the relocated segment of U.S. Highway 66 between San Bernardino and the point herein designated as Devore Junction (approximately 12 miles northwest of San Bernardino); and (2) between North Riverside, Calif., and San Bernardino Junction, Calif.: abandon present Alternate Route No. 265 (Sheet 49) between Grand Terrace Junction and Redlands,

NOTICES

[Notice 250]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 15, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62746. By order of January 13, 1960, the Transfer Board approved the transfer to Erwin D. Franke, R.R. No. 2, Council Bluffs, Iowa, of Certificate in No. MC 105067, issued April 10, 1959, to Elwyn E. Franke, R.R. No. 2, Council Bluffs, Iowa, authorizing the transportation of: Livestock, animal feeds, farm machinery, and building materials between Council Bluffs, Iowa, and points in Iowa within 15 miles of Council Bluffs, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC 62758. By order of January 13, 1960, the Transfer Board approved the transfer to James J. Foley and Clarence A. Hall, a partnership, doing business as Suburban Delivery Service, Bryn Mawr, Pa.; of Certificate in No. MC 89032, issued September 24, 1959, to James J. Foley, Clarence A. Hall and James D. Sheridan, a partnership, doing business as Suburban Delivery Service, Bryn Mawr, Pa.; authorizing the transportation of: Antique furniture, and household goods, between Ardmore, Pa.; on the one hand, and, on the other, specified points in New Jersey. Ralph C. Busser, Jr., 1607 Morris Building, Philadelphia 2, Pa., for applicants.

No. MC-FC 62762. By order of January 13, 1960, the Transfer Board approved the transfer to B & R Truck Lines, Inc., Williamstown, Kentucky, of a Certificate in No. MC 94137, issued March 8, 1949, to Charley Bobbitt and William B. Harrison, a partnership, doing business as B & R Truck Line, Williamstown, Kentucky, authorizing the transportation of general commodities, including household goods as defined by the Commission, and commodities in bulk, and excluding certain specific commodities, between Cincinnati, Ohio, and Corinth, Ky., Lee Lanter, Williamstown, Ky.

No. MC-FC 62770. By order of January 13, 1960, the Transfer Board approved the transfer to Hannigan's Express, Inc., Brookfield, Mass.; of Certificate in No. MC 9928, issued December 20, 1940, to John E. Hannigan, doing business as Hannigan's Express, Brookfield, Mass.; authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Ware, Mass.; and Worcester, Mass.; and

paper, paper products, woolen cloth and dyeing supplies, pipe couplings and supplies, asbestos products, and machinery, between specified points in Massachusetts, on the one hand, and, on the other, points in Providence County, R.I. Arthur L. Beaudette, 4 Elm Street, North Brookfield, Mass., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.[F.R. Doc. 60-543; Filed, Jan. 19, 1960;
8:48 a.m.]**DEPARTMENT OF COMMERCE****Federal Maritime Board**

[Docket No. 869]

PACIFIC COAST/HAWAII AND ATLANTIC-GULF/HAWAII; GENERAL INCREASES IN RATES**Notice of Prehearing Conference**

On September 10, 1959, October 12, 1959, and November 30, 1959, the Federal Maritime Board entered orders instituting an investigation into the lawfulness of the increased freight rates of Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company, United States Lines Company, Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation, Hawaiian Marine Freightways, Inc., and Consolidated Freightways, Inc., in the Pacific coast/Hawaii and Atlantic-Gulf/Hawaii trades and directed that a public hearing be held in connection therewith (24 F.R. 7656, 8505, and 10409).

Notice is hereby given that, in accordance with Rule 6(d) of the rules of practice and procedure of the Federal Maritime Board (46 CFR 201.94), a prehearing conference in this matter will be held before Examiner C. W. Robinson in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C., beginning at 10:00 a.m., February 8, 1960. All persons, including individuals, corporations, associations, firms, partnerships, and public bodies (except those who have protested against or filed petitions objecting to the increased rates under consideration) who have an interest in the proceeding and desire to intervene, should file petitions for leave to intervene in accordance with Rule 5(n) of the rules of practice and procedure of the Federal Maritime Board (46 CFR 201.74).

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

JANUARY 14, 1960.

[F.R. Doc. 60-545; Filed, Jan. 19, 1960;
8:48 a.m.]**Office of the Secretary****WALTER L. RIPPETEAU, JR.****Report of Appointment and Statement of Financial Interests**

Report of appointment and statement of financial interests required by section

Calif. and substitute therefor new alternate route 265 over newly relocated U.S. Highway 395 between North Riverside and San Bernardino Junction: Between North Riverside and San Bernardino Junction: from junction La Cadena Drive and U.S. Highway 395 (North Riverside), over U.S. Highway 395, to junction U.S. Highway 70 (San Bernardino Junction), as an alternate route for operating convenience only, serving no intermediate points.

NOTE: Applicant states all operating authority so far as affects the territory and subject matter herein involved is contained in Ninth Revised Certificate 1501 (Sub 138), related to points entirely within the State of California, and unless otherwise specified, is between the points involved in both directions serving all intermediate points (as more fully described in the application).

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7418. Authority sought for control and merger by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of the operating rights and property of THE SMITH TRANSFER CO., INC., 2700 Freemansburg Avenue, Easton (Northampton County), Pa., and for acquisition by WILSON M. HOUSE, 4605 Wabash Avenue, Terre Haute, Ind., of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, Lesow & Lesh, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes between points in Pennsylvania and New Jersey within 20 miles of Easton, Pa., including Easton; **RESTRICTION:** Shipments transported by said carrier shall be limited to those moving on a through bill of lading including in addition to a motor carrier movement by said carriers, an immediately prior or immediately subsequent movement by authorized motor carriers to or from points beyond 20 miles of Easton, Pa.; and between Easton, Pa., and points in Pennsylvania within three miles of Easton, on the one hand, and, on the other, Phillipsburg, N.J. EASTERN EXPRESS, INC., is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Indiana, Maryland, New York, Ohio, Illinois, West Virginia, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

By the Commission:

[SEAL] HAROLD D. MCCOY,
Secretary.[F.R. Doc. 60-542; Filed, Jan. 19, 1960;
8:47 a.m.]

710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Walter L. Rippeteau, Jr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: December 31, 1959.
4. Title of position: Consultant (Administrative Adviser to Director).
5. Name of private employer: Wyandotte Chemicals Corporation, Wyandotte, Michigan.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 25, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

- Wyandotte Chemicals Corporation.
- Nease Chemical Company.
- U.S. Foll Company.
- American Electronics, Inc.
- Borman Food Stores, Inc.
- Western Natural Gas Company.
- National Distillers and Chemical Corporation.
- Bank Deposits.

WALTER L. RIPPETEAU, JR.

JANUARY 11, 1960.

[F.R. Doc. 60-551; Filed, Jan. 19, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3845]

UTAH POWER & LIGHT CO. AND TELLURIDE POWER CO.

Notice of Proposed Intra-System Issuance, Sale and Acquisition of Notes and Common Stock, and Redemption of Publicly Held Shares of Preferred Stock

JANUARY 13, 1960.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company which is also an electric utility and Telluride Power Company ("Telluride"), a subsidiary electric utility company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10 and 12(c) of the Act and Rules 42, 43, and 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Telluride proposes to issue and sell to Utah, from time to time as required, during the period February 1, 1960 through June 30, 1961, up to \$1,900,000 of promissory notes and 300,000 shares of common stock, par value \$1 per share. The notes are to bear interest at the rate of 5 1/4 percent per annum, are to be dated as of the date of each borrowing and are to be payable at any time on or before December 10, 1975.

Utah, which owns all of Telluride's outstanding shares of common stock and 6 percent Cumulative Second Preferred Stock, proposes to acquire the notes of Telluride at the face amount thereof and the 300,000 shares of common stock at a price of \$2.25 per share, such aggregate price being \$675,000.

Telluride proposes to use the proceeds from the above sales of securities (1) to redeem, as of the next dividend date (March 31, 1960), its outstanding 3,000

shares of 6 percent Cumulative Preferred Stock, par value \$100 per share, all of which is owned by the public, at the redemption price of 102 percent of par value, plus accrued dividends and (2) to carry forward its construction program into 1961 which is estimated at \$2,400,000.

The estimated fees and expenses to be incurred in connection with the proposed transactions aggregate \$1,675 and consist of \$675 for Federal Stamp Tax and miscellaneous expenses not to exceed \$1,000.

Utah has applied to the Public Service Commission of Utah for authority to acquire the voting securities of Telluride and a copy of the order entered in respect thereof is to be supplied by amendment.

It is represented that no other State regulatory body or agency and no Federal commission or agency, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than January 27, 1960, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-534; Filed, Jan. 19, 1960; 8:47 a.m.]

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